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# STATUTES

OF THE

## PROVINCE OF ONTARIO

PASSED IN THE SESSION HELD IN THE

Sixteenth Year of the Reign of His Majesty  
KING GEORGE V

Being the Third Session of the Sixteenth  
Legislature of Ontario

1926

BEGUN AND HOLDEN AT TORONTO ON THE TENTH DAY OF FEBRUARY  
IN THE YEAR OF OUR LORD ONE THOUSAND NINE HUNDRED  
AND TWENTY-SIX.



ONTARIO

204424  
5:7:26

HIS HONOUR HENRY COCKSHUTT  
LIEUTENANT-GOVERNOR

TORONTO:

Printed and Published by Clarkson W. James, Printer to the King's Most Excellent Majesty  
1926



# STATUTES

## PROVINCE OF ONTARIO

IN THE

Sixteenth Year of the Reign of His Majesty  
KING GEORGE V

Being the Third Session of the Sixteenth  
Legislature of Ontario



ONTARIO

THE HONOURABLE THE ATTORNEY GENERAL  
JAMES M. GAGNON

TORONTO

Printed and Published by The United Press, Toronto, Canada, at the Press of the United Press, Toronto, Canada.



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# 16 GEORGE V

## CHAPTER 1.

An Act for granting to His Majesty certain sums of money for the Public Service of the financial year ending on the 31st day of October, 1926, and for the Public Service of the financial year ending the 31st day of October, 1927.

*Assented to 8th April, 1926.*

MOST GRACIOUS SOVEREIGN:

**W**HEREAS it appears by message from His Honour Preamble.  
Henry Cockshutt, Esq., Lieutenant-Governor of the Province of Ontario, and the estimates accompanying the same, that the sums hereinafter mentioned in the schedules to this Act are required to defray certain expenses of the public service of this Province, not otherwise provided for, for the financial year ending the 31st day of October, 1926, and for the financial year ending the 31st day of October, 1927, and for other purposes connected with the public service; May it therefore please Your Majesty that it may be enacted, and it is hereby enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as follows:—

**1.** From and out of the Consolidated Revenue Fund of \$5,106,-  
12,541  
this Province, there may be paid and applied a sum not granted for  
year ending  
31st October,  
1926.  
exceeding in the whole Five million, one hundred and six thousand, one hundred and twenty-five dollars and forty-one cents towards defraying the several charges and expenses of the public service of this Province, not otherwise provided for, from the 1st day of November, 1925, to the 31st day of October, 1926, as set forth in Schedule "A" to this Act.

**2.** From and out of the Consolidated Revenue Fund of \$42,129,-  
499.35  
this Province, there may be paid and applied a sum not granted for  
fiscal year  
1926-27.  
exceeding in the whole Forty-two million, one hundred and twenty-nine thousand four hundred and ninety-nine dollars and thirty-five cents towards defraying the several charges and expenses of the public service of this Province, not other-

wise provided for, from the 1st day of November, 1926, to the 31st day of October, 1927, as set forth in schedule "B" to this Act.

Accounts  
to be laid  
before  
Assembly.

3. Accounts in detail of all moneys received on account of this Province during the said financial year 1925-26, and of all expenditures under Schedule "A" of this Act, shall be laid before the Legislative Assembly at its first sitting after the completion of the said period; and accounts in detail of all moneys received on account of this Province during the financial year 1926-27 and of all expenditures under Schedule "B" of this Act shall be laid before the Legislative Assembly at the first sitting after the completion of the said financial year.

Appropriations for  
1925-26 un-  
expended  
to lapse.

4. Any part of the money under Schedule "A" appropriated by this Act out of the Consolidated Revenue, which may be unexpended on the 31st day of October, 1926, shall not be expended thereafter, except in the payment of accounts and expenses incurred on or prior to the said day; and all balances remaining unexpended after the said date or at such subsequent date as may be fixed by the Lieutenant-Governor in Council under the provisions of *The Audit Act* shall lapse and be written off.

Appropriations for  
1926-27 un-  
expended  
to lapse.

5. Any part of the money under Schedule "B" appropriated by this Act out of the Consolidated Revenue, which may be unexpended on the 31st day of October, 1927, shall not be expended thereafter, except in the payment of accounts and expenses incurred on or prior to the said day; and all balances remaining unexpended after the said date or after a date fixed by the Lieutenant-Governor in Council as mentioned in section 4 shall lapse and be written off.

Account-  
ing for ex-  
penditure.

6. The due application of all moneys expended under this Act out of the Consolidated Revenue shall be accounted for to His Majesty.

Commence-  
ment of  
Act.

7. This Act shall come into force on the day upon which it receives the Royal Assent.

---

## SCHEDULE "A".

Sums granted to His Majesty by this Act for the financial year ending on the thirty-first day of October, one thousand nine hundred and twenty-six, to defray expenses of:

Prime



Prime Minister's Department..	\$1,250,000 00
Attorney-General's Department	44,868 57
Insurance Department.....	4,775 00
Education Department.....	1,701,295 00
Lands and Forests Department.	2,000 00
Mines Department.....	5,000 00
Game and Fisheries Department	110,309 00
Public Works Department.....	1,499,517 17
Highways Department.....	5,075 00
Health Department.....	4,150 00
Labour Department.....	51,000 00
Provincial Treasurer's Department.....	68,350 00
Provincial Secretary's Department.....	194,881 67
Agriculture Department.....	116,404 00
Miscellaneous.....	48,500 00

---

Total estimates for expenditure of 1925-1926..... \$5,106,125 41

### SCHEDULE "B."

Sums granted to His Majesty by this Act for the financial year ending on the thirty-first day of October, one thousand nine hundred and twenty-seven, to defray expenses of:

Lieutenant-Governor's Office...	\$5,450 00
Prime Minister's Department..	14,714,679 00
Legislation.....	395,100 00
Attorney-General's Department	2,060,701 00
Insurance Department.....	47,750 00
Education Department.....	7,153,005 00
Lands and Forests Department.	2,621,925 00
Mines Department.....	348,950 00
Game and Fisheries Department	515,775 00
Public Works Department.....	1,207,716 35
Highways Department.....	443,075 00
Health Department.....	749,715 00
Labour Department.....	2,345,880 00
Provincial Treasurer's Department.....	669,900 00
Provincial Auditor's Office.....	88,750 00
Provincial Secretary's Department.....	5,840,558 00
Agriculture Department.....	2,389,570 00
Miscellaneous.....	531,000 00

---

Total estimates for expenditure of 1926-1927..... \$42,129,499 35

## CHAPTER 2.

## An Act to amend The Representation Act, 1925.

*Assented to 8th April, 1926.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

**1.** This Act may be cited as *The Representation Act, 1926*.

1925, c. 7,  
schedule,  
amended.

**2.** The schedule to *The Representation Act, 1925*, is amended in the manner set forth in the schedule to this Act.

Commence-  
ment of  
Act.

**3.** This Act shall come into force on the day upon which it receives the Royal Assent.



## SCHEDULE A

SHOWING AMENDMENTS IN THE DESCRIPTIONS OF THE  
ELECTORAL DISTRICTS OF ONTARIO.

1. The description of the electoral district of South Bruce is amended by adding after the word "Mildmay" in the fourth line the word "Ripley."

2. The description of the electoral district of North Essex is amended by inserting after the words "Ford City" in the fourth and fifth lines the words "La Salle." —

3. The descriptions of the electoral districts of North Grey and South Grey are amended to read as follows,—

*The Electoral District of North Grey*,—to consist of the Townships of Collingwood, Derby, Keppel, Sarawak, St. Vincent, Sullivan and Sydenham, the City of Owen Sound, and the Towns of Meaford and Thornbury and the Village of Shallow Lake.

*The Electoral District of South Grey*,—to consist of the Townships of Artemesia, Bentinck, Egremont, Euphrasia, Glenelg, Holland, Normanby, Osprey and Proton, the Towns of Durham and Hanover, and the Villages of Chatsworth, Dundalk, Markdale and Neustadt.

4. The description of the electoral district of Lincoln is amended by striking out the words "and that part of the Village of Fonthill which was formerly in the Township of Pelham" and substituting the words "and the Village of Fonthill."

5. The description of the electoral district of Welland is amended by striking out the words "and that part of the Village of Fonthill which was formerly part of the Township of Thorold."

6. The description of the electoral district of North London is amended to read as follows,—

*The Electoral District of North London*,—to consist of all that part of the City of London lying north of a line drawn from the point of intersection of the centre line of Dundas Street with the easterly limit of the city and following the centre line of Dundas Street westerly to the centre line of the River Thames and thence following the centre line of the said river to the westerly limit of the said city, except that portion of the City of London annexed since the year 1912.

7. The description of the electoral district of South London is amended to read as follows,—

*The Electoral District of South London*,—to consist of all that part of the City of London lying south of a line drawn from the point of intersection of the centre line of Dundas Street with the easterly limit of the city and following the centre line of Dundas Street westerly to the centre line of the River Thames and thence following the centre line of the said river to the westerly limit of the said city.

8. The description of the electoral district of Centre Simcoe is amended to read as follows,—

*The Electoral District of Centre Simcoe*,—to consist of the Townships of Floss, Innisfil, Sunnidale, Tiny and Vespra and the Towns of Barrie and Penetanguishene.

9. The electoral district of South Simcoe and the electoral district of West Simcoe are abolished and the electoral district of Southwest Simcoe substituted therefor as follows,—

*The Electoral District of Southwest Simcoe*,—to consist of the Townships of Adjala, Essa, Gwillimbury West, Nottawasaga, Tecumseh and Tossorontio, the Towns of Alliston, Collingwood and Stayner and the Villages of Beeton, Bradford, Creemore and Tottenham.

10. The name of the electoral district of Sherbourne consisting of part of the City of Toronto is changed to the "Electoral District of St. David."

11. The description of the electoral district of St. Patrick consisting of part of the City of Toronto is amended to read as follows,—

*The Electoral District of St. Patrick*,—to consist of that part of the City of Toronto bounded as follows: Commencing at the southern terminus of Simcoe Street north to its intersection with Queen Street, east along the centre line of Queen Street to University Avenue, thence north following the centre line of University Avenue, Queen's Park and Avenue Road to the northerly boundary of the City of Toronto, thence westerly from Avenue Road following the boundary line of the said city to its intersection with Spadina Road, thence southerly along



the centre line of Spadina Road, and Spadina Avenue to Toronto Bay and thence in an easterly direction to the place of beginning and including all that part of the City of Toronto known as Toronto Island.

12. The electoral district of Cochrane is abolished and in lieu thereof there shall be two electoral districts known as the electoral district of North Cochrane and the electoral district of South Cochrane respectively and described as follows,—

*The Electoral District of North Cochrane*,—to consist of those portions of the territorial districts of Cochrane, Algoma and Thunder Bay and the District of Patricia within the hereinafter described limits: Commencing at the intersection of the interprovincial boundary between the Province of Ontario and the Province of Quebec with the south shore of Lake Abitibi; thence in a northerly and northwesterly direction following the shore line of the said lake to the southeast angle of the Township of Galna, thence westerly along the southern boundary of the Townships of Galna, Moody and Wesley to the southwest angle of the last mentioned township; thence north along the west boundary of the said Township of Wesley to the southeast angle of the Township of Mortimer; thence west along the south limits of the Townships of Mortimer, Pyne, St. John, Hanna, Reaume, Beck, Nesbitt, Aubin, Kingsmill and Kirkland; thence northerly along the westerly boundary of the Township of Kirkland to the southeast angle of the Township of Ford; thence westerly along the southern boundary of the Townships of Ford, Stringer, Slack and Fenton; thence northerly along the western boundary of the Townships of Fenton and Staples to the southern boundary of the Township of Sulman; thence westerly along the southern boundary of the Townships of Sulman, Cargill, Ecclestone, Fergus, Rykert, Caithness, Scholfield and Talbott; thence northerly along the western limits of the Townships of Talbott, Templeton, Landry and Irish to the northwest corner of the last mentioned township; thence westerly along the southern boundary of the Townships of Studholme, Gill, McMillan, McCoig, Kohler and Clavet; thence northerly along the western limit of the Township of Clavet to the southeast corner of the Township of Bell; thence west along the southern limit of the Townships of Bell, Low, Klotz, Fernow, O'Meara and Bain; thence northerly along the western boundary of the Townships of Bain and Raynar following

the

the boundary line between the territorial District of Thunder Bay and the territorial District of Cochrane and the production of the said boundary line north astronomically to the northern boundary of the Province of Ontario; thence easterly, southerly and southeasterly to a point where the boundary line between the Province of Quebec and the Province of Ontario intersects the south shore of James Bay; thence southerly along the said interprovincial boundary to the place of beginning.

*The Electoral District of South Cochrane*,—to consist of those portions of the District of Temiskaming and the District of Cochrane described as follows: Commencing at a point on the line between the Province of Ontario and the Province of Quebec where the said boundary line intersects the production of the southern boundary of the Township of McGarry; thence westerly along the southern boundary of the Townships of McGarry, McVittie, Gauthier, Label, Teck, Grenfell, Bompas, Dunmore, Sheba, Robertson, McNeil, Cleaver, Geikie, Bartlett, Musgrove, Doyle, Childerhouse and Pharand; thence northerly following the west boundary of the Townships of Pharand, Hillary, Keefer and Whitesides to the southeasterly corner of the Township of Enid; thence westerly along the southern boundary of the Townships of Enid, Strachan, Nova and Ossin; thence northerly along the western boundary of the Townships of Ossin, Wadsworth, Lisgar and Seaton to the northwest angle of the Township of Seaton; thence easterly along the northern boundary of the Townships of Seaton, Griffin, Hicks and Oke to the northeast corner of the said Township of Oke; thence southerly along the eastern boundary of the Township of Oke to its intersection with the southern boundary of the Township of Kirkland; thence easterly along the southern boundary of the Townships of Kirkland, Kingsmill, Aubin, Nesbitt, Beck, Reaume, Hanna, St. John, Pyne and Mortimer; thence southerly following the western boundary of the Township of Wesley to the southwest angle of the said township; thence easterly along the southern boundary of the Townships of Wesley, Moody and Galna to the shore of Lake Abitibi; thence following the shore line of the said lake in a southerly and southeasterly directly to a point where the boundary between the Province of Ontario and the Province of Quebec intersects the south shore of the said lake; thence southerly along the said interprovincial boundary to the place of beginning.



14. The description of the electoral district of Fort William is amended to read as follows,—

*The Electoral District of Fort William*,—to consist of all that portion of the Territorial District of Thunder Bay within the hereinafter described limits, that is to say: Commencing at a point on the International Boundary between the Province of Ontario and the United States of America where the same is intersected by the boundary lines between the Territorial Districts of Thunder Bay and Rainy River; thence northerly along the said district boundary to the district boundary between the Territorial District of Kenora and the Territorial District of Thunder Bay; thence northerly along the said boundary line and the said line produced northerly through the District of Patricia to the northern boundary of the Province of Ontario; thence in a northeasterly direction along the said northern boundary line of the Province of Ontario to a point where the same is intersected by a line drawn due north astronomically from the northwest angle of the Nipigon Forest Reserve to the middle thread of the Albany River; thence westerly following the middle thread of the Albany River to a point due north astronomically from the southeast angle of the Grand Trunk Pacific, Block I; thence south astronomically to the said southeast angle; thence east along the northern boundary of the Township of Forbes and the production thereof to the centre of Dog River; thence southerly down stream along the middle thread of Dog River to the northern limit of the Township of Oliver; thence east astronomically along the north boundary of the Township of Oliver to the northeast angle thereof; thence south astronomically along the east limit of the said Township of Oliver to the north limit of the Township of Paipoonge; thence east astronomically along the north limit of the said Township of Paipoonge and along the north limit of the Township of Neebing to the west shore of Thunder Bay of Lake Superior; thence continuing due east astronomically 8 miles, more or less, to a point due north astronomically from the most easterly point on Pie Island in said Bay; thence due south astronomically 20 miles, more or less, to said International Boundary; thence southwesterly along said International Boundary to the mouth of the Pigeon River; thence continuing westerly along said International Boundary up Pigeon River to the west boundary of the Territorial District of Thunder Bay or place of beginning.

15. The description of the electoral district of Kenora is amended to read as follows,—

*The Electoral District of Kenora*,—to consist of the Territorial District of Kenora and all that part of the District of Patricia lying west of the production in a northerly direction through the District of Patricia of the boundary line between the Territorial District of Thunder Bay and the Territorial District of Kenora to the northern boundary of the Province of Ontario.

16. The description of the electoral district of Port Arthur is amended to read as follows,—

*The Electoral District of Port Arthur*,—to consist of all that portion of the Territorial District of Thunder Bay within the hereinafter described limits, that is to say: Commencing at a point in Lake Superior on the International Boundary between the Province of Ontario and the United States of America where the said International Boundary is intersected by the boundary line between the Territorial Districts of Thunder Bay and Algoma, in longitude 85 degrees, 20 minutes west; thence due north astronomically along said meridian line to the southeast angle of the Township of Bell, a distance of 176 miles, more or less; thence west astronomically along the south limit of the Townships of Bell, Low, Klotz, Fernow, O'Meara and Bain, 54 miles, more or less, to the southwest angle of the last-mentioned township; and continuing north astronomically along the western limit of the Townships of Bain and Raynar and the boundary between the Territorial District of Thunder Bay and the Territorial District of Cochrane and the said boundary line produced to the northern limit of the District of Patricia; thence westerly and southwesterly following the northern limit of the District of Patricia to a point due north astronomically from the northwest angle of the Nipigon Forest Reserve; thence due south to the centre line of the Albany River; thence following the middle thread of the Albany River to a point due north astronomically of the southeast angle of the Grand Trunk Pacific, Block I; thence south astronomically to the said southeast angle; thence east along the north boundary of the Township of Forbes and the production thereof to the centre of Dog River; thence southerly down stream along the middle thread of Dog River to the northern limit of the

Township

Township of Oliver; thence east astronomically along the northern limit of the Township of Oliver to the northeast angle thereof; thence south astronomically along the east limit of the said Township of Oliver to the north limit of the Township of Paipooonge; thence east astronomically along the northern limit of the said Township of Paipooonge and along the northern limit of the Township of Neebing to the west shore of Thunder Bay of Lake Superior; thence continuing due east astronomically 8 miles, more or less, to a point due north astronomically from the most easterly point of Pie Island in said Bay; thence due south astronomically 20 miles, more or less, to said International Boundary; thence northeast and southeast along said International Boundary to the place of beginning.

17. The description of the electoral district of Sault Ste. Marie is amended to read as follows,—

*The Electoral District of Sault Ste. Marie*,—to consist of that part of the Territorial District of Algoma described as follows:—Commencing at the mouth of Echo River on the Garden River Indian Reserve; thence due west astronomically to the International Boundary between the Province of Ontario and the United States of America; thence northerly, westerly and northwesterly along the said International Boundary to where the same is intersected by the boundary between the Territorial Districts of Thunder Bay and Algoma in longitude 85 degrees 20 minutes west; thence due north astronomically following the said boundary to the southwest corner of the Township of Clavet; thence east astronomically along the south boundary of the Townships of Clavet, Kohler, McCoig, McMillan, Gill and Studholme 56 miles, more or less, to the southeast angle of the Township of Studholme; thence southerly in a straight line to the northwest angle of the Township of Templeton, a distance of 18 miles, more or less; thence continuing south along the west boundary of the Townships of Templeton and Talbott, a distance of 18 miles, more or less, to the southwest angle of the latter; thence east astronomically along the south boundary of the Township of Talbott 2 miles 77 chains, more or less, to the northeast angle of the Township of Franz; thence south astronomically along the east boundary of the Townships of Franz, Hawkins, Irving, Martin, Moorehouse, and continuing southerly to a point



on Niven's base line in latitude 48 degrees 27 minutes 54 seconds north, which point constitutes the north-west angle of the Territorial District of Sudbury, a distance of 51 miles, more or less; thence south along T. B. Speight's meridian line, which constitutes the district boundary between the Territorial Districts of Sudbury and Algoma, to the north-west angle of the Mississauga Forest Reserve, a distance of 84 miles, more or less; thence continuing south astronomically along the west limit of Township No. 23, Ranges 14, 13, 12, 11 and 10, and the Townships of Whitman and Chesley, to the north limit of the Garden River Indian Reserve, a distance of 40 miles 20 chains, more or less; thence due east astronomically along the north boundary of said Garden River Indian Reserve 3 miles 40 chains, more or less, to the northeast angle thereof; thence due south astronomically along the east boundary of said Garden River Indian Reserve 7 miles 40 chains, more or less, to the southeast angle thereof; thence due west astronomically along the south limit thereof 6 miles, more or less, to Echo River; thence down Echo River to Echo Bay of Lake George to the place of beginning.

## CHAPTER 3.

## An Act to consolidate and amend The Voters' Lists Act.

*Assented to 8th April, 1926.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Voters' Lists Act, 1926*, and shall come into force on the day upon which it receives the Royal Assent. Short title.

## INTERPRETATION.

Interpreta-  
tion.

2. In this Act,—

- (a) "Board" shall mean election board. 1922, "Board." c. 4, s. 2; cl. (a), *amended*.
- (b) "Judge" shall mean judge of the county or district court of the county or district and shall include a junior or acting judge, but shall not include a deputy judge; "Judge."
- (c) "Prescribed" shall mean prescribed by this Act or by regulations made under the authority of this Act; "Prescribed"
- (d) "Voter" shall mean a person entitled to be a voter, or to be named in the voters' list as qualified to be a voter either at an election of a member of the Assembly or at any municipal election, as the case may be. 1922, c. 4, s. 2 cls. (b-d). "Voter."

## RULES AND FORMS.

3.—(1) The Board of County Judges may, if requested so to do by the Lieutenant-Governor, frame rules and forms of procedure for the purpose of better carrying out the provisions of Parts I and II of this Act, and such rules and forms shall, when approved by the Lieutenant-Governor in Council, have the same effect and force as if they formed part of this Act. 1922, c. 4, s. 3 (1), *amended*. Rules and forms.

(2) The forms in Schedule A to this Act may be modified or varied, but any such modification or variation shall be subject to the approval of the judge. 1922, c. 4, s. 3 (2). Forms.

**Repeal.**

4. The Acts and parts of Acts set out in Schedule B are repealed to the extent therein mentioned.

## APPLICATION OF PARTS I, II, III AND IV.

**Application  
Parts I  
and III.**

5.—(1) Parts I and III shall apply to towns, townships, villages and except as varied by Part II, to cities.

**Part II.**

(2) Part II shall apply to every city in which a by-law shall have been passed for taking the assessment at any time prior to the 30th day of September, and fixing separate dates for the return and final revision of the assessment rolls for each ward or subdivision of a ward, as defined in the by-law.

**Part IV.**

(3) Part IV shall apply to every part of Ontario including Indian Reserves, not comprised in an organized municipality.

**Territory  
without  
assessment  
roll.**

(4) Territory comprised in a newly organized municipality for which there is no assessment roll shall for the purposes of subsection 3 be deemed to be still a portion of Ontario not comprised in an organized municipality. 1922, c. 4, s. 5.

**Where list  
destroyed  
by fire or  
accident.**

(5) Wherever through accident, fire or otherwise a municipality has no assessment roll or voters' list prepared under part I or II, such municipality shall for the purposes of this Act be deemed to be a part of Ontario not comprised in an organized municipality. 1923, c. 3, s. 2; *part, amended.*

## PART I.

## LIST OF VOTERS AND COPIES.

**List of voters  
in three  
parts.**

6.—(1) The clerk of each municipality shall, immediately after the final revision and correction of the assessment roll in every year, make a correct list for each polling subdivision of the municipality in three parts (Form I) of all persons appearing by the assessment roll or by the supplementary roll prepared by the assessor, to be voters. 1922, c. 4, s. 7 (1); *amended.*

**Alphabetical  
or by street  
numbers.**

(2) The list shall be made up alphabetically except in the case of a city, the council of which has by resolution directed that the list be made up in order of street numbers.

**First Part.**

(3) The first of the three parts shall contain the names of all persons appearing by the assessment roll to be voters at both provincial and municipal elections.



(4) The second part shall contain the names of all persons, **Second Part.** appearing by the assessment roll to be voters at municipal elections, but not at provincial elections. 1922, c. 4, s. 7 (2-4).

(5) The third part shall contain the names of all persons **Third part.** appearing by the assessment roll or by the supplementary assessment roll to be voters at provincial but not at municipal elections.

(6) In a municipality containing a population of not more than 3,500, the third part of the list shall be printed with the first and second parts and in other municipalities the third part need not be printed and in that case the clerk of the municipality shall prepare three copies of the third part and deposit the same in the office of the clerk of the peace. **When third part to be printed.**

(7) The clerk of the peace shall furnish copies of the third part or permit the inspection thereof, under the like circumstances and upon payment of the like fees as in the case of other documents kept or filed in his office. **Clerk of peace to furnish copies of third part.**

(8) The name of the same person shall not be entered more than once on the first or second part of the voters' list except that, in the case of a municipality divided into wards, the name of the same person shall be entered upon the list as qualified to vote at municipal elections in every ward in which he is assessed for a sufficient amount to qualify him so to vote. *New.* **Name not to be entered more than once on first or second part. Exception.**

(9) Where a municipality is divided into polling subdivisions lists shall be made for each subdivision. **List for polling subdivisions.**

(10) In the case of a person who is a municipal elector by reason of being the wife or husband of the person rated or entitled to be rated for land as provided by *The Municipal Franchise Act, 1922*, the clerk shall opposite the name of such person, in the proper column, insert the letters "M.F.N.C." meaning that such person is entitled to vote at municipal elections, but is not to be counted for the purpose of determining representation in the county council. **Entering name of husband or wife of person rated.**

(11) Where the qualification of a person to be a voter at a municipal election is in respect of real property, the clerk shall opposite the name of such person, insert in the proper column the number of the lot or other proper description of the parcel of real property in respect of which such person is so qualified adding thereto where the person is so qualified in respect of more than one lot or parcel, the words "and other premises."

Farmer's  
son.

(12) In the case of a person being a farmer's son, the clerk shall insert opposite his name, in the proper column, the words "Farmer's Son," or the letters "F. S."

Entry where  
voters as-  
sessed in  
several divi-  
sions of  
same ward.

(13) Where a ward is divided into polling subdivisions, and it appears by the assessment roll that a person is assessed in each of two or more polling subdivisions for property sufficient to entitle him to be a voter at a municipal election, the clerk shall enter his name in the list for one subdivision only, and shall insert opposite his name the words "and other premises," and where to the knowledge of the clerk the person resides in one of the subdivisions, his name shall be entered on the list for that subdivision.

Provision  
where prop-  
erty partly  
in one sub-  
division and  
partly in  
another.

(14) Where it appears by the assessment roll that a person is assessed for property within the municipality sufficient to entitle him to be a voter at a municipal election, but that the property lies partly within one subdivision and partly within another or others, the clerk shall enter the name of such person on the list of voters in only one of the subdivisions in which the property is situate, with the following words added: "Partly qualified in subdivision No. ."

Income  
qualification.

(15) If the qualification to be a voter at a municipal election is in respect of income, the clerk shall state that fact in the proper column. 1922, c. 4, s. 7 (9)-(15).

Entry in list  
of person as-  
sessed as free-  
holder or  
tenant.

(16) Where the word "Owner" or the letter "O," or the word "Tenant" or the letter "T," appears in the assessment roll opposite the name of a person entitled to be entered on the list, such word or letter shall be placed opposite the name of such person. 1922, c. 4, s. 7 (16); *amended*.

When assess-  
ment roll to  
be regarded  
as finally  
revised.

(17) Where no appeal is made from the court of revision of the municipality to the judge as provided by *The Assessment Act*, the assessment roll shall be deemed to be finally revised and corrected when the time within which an appeal may be made has elapsed, and where an appeal is made, when the assessment roll has been revised and corrected by the judge. 1922, c. 4, s. 7 (17).

Entries of  
those quali-  
fied as  
jurors.

(18) The clerk in making out the voters' list shall in a separate column provided for the purpose, write or mark the letter "J" upon the voters' list opposite the name of every male person over twenty-one and under sixty years of age, who by the roll appears to possess the property qualification required to qualify him to serve as a juror, and such voters' list shall show at or near the end of the second part, the aggregate number of names of persons upon such lists qualified to serve on juries, and in the case of cities and towns such list shall give the same information for each ward. 1922, c. 4, s. 9 (2).

7.—(1) In the case of a city or town in which the assessment roll is not returnable before the 30th day of September the clerk, immediately after the return of the roll, and without waiting for the revision and correction thereof by the court of revision or the judge, shall make out a list of all persons appearing by the roll to be voters; and shall within thirty days after the return of the roll, cause two hundred copies of the first and second parts of the list to be printed in pamphlet form, and shall post up and otherwise deal with the list, as provided by section 9.

Preparing voters' list in cities where roll not returnable before 30th September.

Copies.

(2) A larger number of copies may be printed if the council shall so direct.

Idem.

(3) The list so made shall be deemed the list of voters which is subject to revision by the judge under section 13, and the provisions of this Act which have reference to the list mentioned in the said section shall apply to the list provided for by this section.

Revision of list by county judge.

(4) The time for giving notice of any complaint to be made to the judge under section 14 with respect to a list prepared under this section shall be twenty-one days after the clerk has posted up the list.

Time for giving notice of complaints.

(5) The list prepared under this section shall be finally revised, corrected and certified by the judge within one month after the last day for making complaints.

Time for completion of lists.

(6) In case the assessment roll of a city or town to which this section applies is not finally revised before the time limited for the final revision, correction and certifying of the list by the judge, and upon appeal from the court of revision alterations are made by the judge in the assessment roll affecting the right of any person to be entered on the list, the judge shall forthwith after the final revision of the roll, make out a list of such alterations and deliver the same to the clerk, who shall make corresponding changes in the certified copies of the revised list, and the judge shall initial the same. 1922, c. 4, s. 8.

Correction of voters' list after revision of roll.

8.—(1) The clerk of every township municipality, in making out the list shall insert therein a schedule (Form 1) containing the name, numbered consecutively, of every post office which by the assessment roll appears as the address of any person entered on the list, and in making out the list, shall, according to the form and in the proper column therefor, insert opposite the name of every voter entered on the list the consecutive number which according to the schedule is his post office address, so far as the address appears by the assessment roll, or is within the knowledge or belief of

Entry of P.O. address of voter.



the clerk, but no appeal or complaint on the ground of any error, mistake or omission in or from the list in respect of any matter or thing by this section directed to be inserted therein, shall be made or allowed by or under this Act.

Entry of  
non-resident  
voter in  
polling  
subdivision  
other than  
where  
qualified.

(2) Where it appears by the assessment roll of a township that a person who is not resident in the township is entered upon the assessment roll and assessed for sufficient property to entitle him to vote at municipal elections in the township, such non-resident person at any time after the revision of the assessment roll and before the printing of the voters' list by the clerk, may give notice in writing signed by him and verified by a statutory declaration, to the clerk requesting that the name of such non-resident person be entered on the voters' list for some other polling subdivision in the township than that in which he is so assessed, and thereupon the clerk may enter the name of such non-resident person on the list for any other polling subdivision so designated and after the name of such non-resident person shall enter the property in respect of which he is qualified to vote and the polling subdivision in which the same is situate. 1922, c. 4, s. 9, (1, 3).

Printing and  
distribution  
of list.

9.—(1) Immediately after the clerk has made the list and within forty days in a city and in other municipalities within thirty days, after the final revision and correction of the assessment roll, the clerk shall cause at least two hundred copies of the first and second parts of the list and in a municipality having a population of not more than 3,500, the third part of the list to be printed in pamphlet form, and forthwith shall cause one of the printed copies to be posted up and to be kept posted up in some conspicuous place in his office, and deliver or transmit by post one copy to each judge of the county or district court of the county or district to which for judicial purposes the municipality belongs, and two copies of the printed list to each of the following persons,—

- (a) every member of the municipal council of the municipality;
- (b) the sheriff;
- (c) The clerk of the division court within whose division the municipality is partly or wholly situate;
- (d) every postmaster in the municipality;
- (e) in a town, township or village every head teacher of a public or separate school in the municipality;

(f)

(f) the registrar of deeds;

(g) the clerk of the council of the county in which the municipality is situate. 1922, c. 4, s. 10 (1); 1923, c. 3, s. 3; 1924, c. 4, s. 2.

(2) The copies required to be sent to every head teacher of a public or separate school may be sent by the clerk to the secretary or secretary-treasurer of the school board by which such teacher is employed. 1922, c. 4, s. 10 (2). <sup>Sending copies to school secretaries.</sup>

(3) The clerk shall forthwith also deliver or transmit by post, ten copies of the list to each of the following persons,— <sup>Distribution of list.</sup>

(a) the member of the House of Commons for the electoral district in which the municipality or any part thereof lies;

(b) the member of the Assembly for the electoral district in which the municipality or any part thereof lies;

(c) every candidate for whom votes were given at the then last election of a member for the House of Commons and for the Assembly respectively for the electoral district in which the municipality or any part thereof lies; and

(d) the head of the municipality;

(e) the clerk of the peace. 1922, c. 4, s. 10 (3).  
*Amended.*

**10.**—(1) Upon each of the copies of the first part so delivered or sent there shall be a certificate (Form 2), over the name of the clerk, stating that the list is a correct list of all persons appearing by the last revised assessment roll to be voters at provincial and municipal elections; and upon each of the copies of the second part so delivered or sent there shall be a certificate (Form 3), over the name of the clerk, stating that the list is a correct list of all persons appearing by the last revised assessment roll to be voters at municipal elections only, and such certificates shall contain clauses calling upon all voters to examine the lists, and to take immediate proceedings to have omissions or errors corrected according to law. <sup>Certificate of clerk.</sup>

(2) Upon the outside or cover of each of the copies so sent shall be printed or written conspicuously the date of the posting up of the list thus:— <sup>Endorsement of date.</sup>

“This list was posted up in the Clerk’s Office  
on the      day of (*fill in date*),      19 .”  
1922, c. 4, s. 11.

Posting up.

**11.**—(1) The sheriff shall immediately upon receipt of his copies cause one of them to be posted up in a conspicuous place in the court house; the clerk of the peace, upon receipt of his copies, shall cause one of them to be posted up in a conspicuous place in his office; every head teacher of a public or separate school shall post up one copy on the door of the school house and every postmaster shall post up one copy in his post office.

Duty of secretary-treasurer as to posting list.

(2) Where copies of the list have been sent to the secretary or secretary-treasurer of a school board instead of to the head teacher of a public or separate school, such secretary or secretary-treasurer shall act in place of the head teacher, and shall post up one copy of the list on the door of every school house under the control of the board. 1922, c. 4, s. 12.

Notice of transmission and posting up of list.

**12.** The clerk shall also forthwith cause to be inserted at least once in a newspaper published in the municipality, or in case none is published therein, then in a newspaper published either in the nearest municipality in which one is published, or in the county or district town, a notice (Form 4) signed by him, which shall state that he has delivered or transmitted the copies of the list as directed by this Act, and the date of the first posting up of the list in his office, and the last day for entering appeals. 1922, c. 4, s. 13; 1923, c. 3, s. 4.

#### REVISION OF LISTS BY COUNTY JUDGE.

Revision of list by judge.

**13.**—(1) The printed lists shall be subject to revision by the judge at the instance of any voter who complains that the names of voters have been omitted from the list, or wrongly stated therein, or that the names of persons who are not entitled to be voters have been entered on the list.

Assessment roll not conclusive.

(2) Upon such revision the finally revised assessment roll shall not be conclusive evidence in regard to any matter.

Idem.

(3) Upon such revision no person shall be disentitled to have his name entered on the list by reason of his having omitted to make, sign or deliver any statement or affidavit required by *The Assessment Act*, or of his name not having been entered on the assessment roll.

Judge's decision final.

(4) The decision of the judge, in regard to the right of any person to vote, or as to the right to enter on or strike from the list the name of any person as a voter, shall be final.



(5) In the case of a list for a town, village or township, the judge shall receive as evidence in support of an application to have the name of a person entered on the list, the affidavit of such person or of some other person who has, and deposes that he has, personal knowledge of the matter set forth in the affidavit (Form 5), if the affidavit is made not earlier than the tenth day next preceding the last day for making complaints to the judge and is delivered to the clerk before the time for making complaints has expired. 1922, c. 4, s. 14.

When evidence by affidavit receivable.

**14.**—(1) Any voter whose name is entered on or who is entitled to have his name entered on the list for the municipality shall have the right for all purposes of this Act, upon giving notice in writing (Form 6) within twenty-one days after the clerk has posted up the first and second parts of the list in his office, to apply, complain or appeal to have his own name or the name of any other person corrected in, entered on or removed from the list for any municipality in the electoral district.

Who may appeal or complain.

(2) Any person who has acquired the qualification entitling him to vote at a municipal election before the time for giving the notice of appeal to the judge has expired, shall be deemed to be a person entitled to be entered on the list, and if entered thereon, he shall be entered also on the assessment roll, and shall be assessed for his property or income, if not already assessed therefor, without any request on his part, and the judge and clerk shall for the purposes of such assessment have the powers and perform the duties mentioned in section 39.

Persons who have acquired qualification before time for giving notice has expired.

(3) A person whose name is entered on the first or second parts of the list and has before the time for giving notice of appeal to the judge has expired, ceased to possess the qualification in respect of which his name was so entered, on complaint being duly made under section 16, shall be deemed to be wrongfully entered on the list and subject to the provisions of section 18, his name shall be removed therefrom. 1922, c. 4, s. 15.

Complaint that person named on list has lost qualification.

**15.** The judge may, without a previous notice of appeal or complaint, on an application made by or on behalf of any person entered on the first or second part of the list, correct any mistake which shall appear to have been made in compiling the list in respect of the name, place of abode, qualification, or of the local or other description of the property of a person entered on the list, and with respect to whose right to be so entered an appeal or complaint is pending before the judge. 1922, c. 4, s. 16.

Powers of judge.

Proceedings  
on complaint  
of errors  
in list.

**16.**—(1) A voter making a complaint in respect of the list shall, within twenty-one days after the clerk has posted up the list in his office, give to the clerk or leave for him at his residence or place of business, notice in writing (Form 6) of his complaint.

Vacancy in  
office of  
clerk.

(2) If the office of clerk is vacant, the notice may be given in like manner to the head of the council of the municipality, and he shall perform all the duties of the clerk. 1922, c. 4, s. 7 (1), (2).

Procedure  
as in appeal  
from court  
of revision.

(3) The proceedings thereafter by the judge, clerk and the parties respectively, and the powers and duties of the judge, clerk and other persons and the allowances and expenses payable to the judge shall be the same, as nearly as may be, as in the case of an appeal from the court of revision under *The Assessment Act*; but no deposits shall be required. (See Forms 6-11), 1922, c. 4, s. 17 (3) *amended*.

Distribution  
of list of  
appeals.

(4) The clerk shall forthwith after posting up the list of appeals in his office, deliver or transmit by post, by registered letter, or by parcel post registered, one copy of the list to the judge and to each of the persons described in subsection 3 of section 9. 1922, c. 4, s. 17 (5); 1923, c. 3, s. 5.

Compelling  
attendance  
of witnesses.

**17.**—(1) Any person may obtain from the county or district court of the county or district a subpoena (Form 12), or from the judge an order, requiring the attendance at court for hearing complaints, at the time mentioned in the subpoena or order, of a witness residing or served with the subpoena or order, in any part of Ontario, and requiring the witness to produce any papers or documents mentioned in the subpoena or order, and every witness served with the subpoena or order shall obey the same, provided his expenses according to the scale allowed in division courts, are paid or tendered to him at the time of service.

Compelling  
attendance  
of persons  
whose right  
is in  
question.

(2) Any person in respect of the entry or omission of whose name a complaint is made, shall, if resident within the municipality for or in which the court is held, upon being served with a subpoena or order obey the same without being tendered or paid his expenses, and the subpoena or order shall be deemed to have been sufficiently served,

(a) if the subpoena or order is served upon him personally; or

(b) where he has a known residence or place of business within the municipality, if a copy of the subpoena or order is left for him with some grown-up person at such residence or place of business; or

(c)

- (c) where he has a known residence or place of business within the municipality, if a copy of the subpoena or order, at least six days before the sitting of the court, is mailed to him by registered letter, directed to him at the post office address contained in any affirmation made by him under *The Assessment Act*, and where no such affirmation has been made, directed to him at his last known post office address, and also by separate registered letter directed to the post office described as his post office in the voters' list unless such last mentioned post office is his last known post office address; or in the case of cities, towns and villages if no post office is described for him in the voters' list, directed to the post office of such city, town or village; or
- (d) where he is a farmer's son, if a copy of the order or subpoena is left for him with some person at the residence of the farmer whose son he is.

(3) If a person, whose right to be a voter is the subject of inquiry, does not attend in obedience to the subpoena or order, the judge, in the absence of satisfactory excuse being shown for the non-attendance, or of proof of right of the person to be a voter, may, on the ground of his non-attendance, strike his name off, or refuse to enter his name on the list or impose on him a fine not exceeding \$20, or may do both. Penalty for non-attendance.

(4) The fact that the name of the person is entered on the last revised voters' list of the electoral district shall be *prima facie* evidence that he is a British subject and twenty-one years of age. Prima facie evidence of certain facts.

(5) The names of any number of witnesses may be inserted in one subpoena or order. 1922, c. 4, s. 18. Number of names.

18. If on complaint or appeal to strike off the name of any person on the list it appears that the qualification of such person is incorrectly set forth therein, but that he has the qualification necessary to entitle his name to be entered on the list, the judge shall not strike off the name of such person, but shall make such alterations in the list as are necessary to set forth the proper qualifications of such person, and in so doing may, if the name has not been entered on the proper part of the list, enter the same thereon. 1922, c. 4, s. 19. When qualification incorrectly stated.



Time within  
which list  
to be re-  
vised.

**19.** The judge shall so arrange and proceed, and fix the sittings of the court, that all the complaints shall be heard and determined, and the list finally revised, corrected and certified, within two months from the last day for making complaints. 1922, c. 4, s. 20.

Certifying  
list by judge  
when no  
complaint  
made.

**20.**—(1) If no complaint is made within twenty-one days after the clerk has posted up the list in his office, he shall forthwith deliver either in person or by letter to the judge his report (Form 13), and the judge shall thereupon certify (Form 14) a sufficient number of copies of the first and second parts of the list as being the last revised list of persons entitled to be voters at elections to the Assembly as well as at municipal elections, and of persons entitled to vote at municipal elections only in the municipality to furnish one copy of such list to each of the following persons,—

- (a) the judge;
- (b) the clerk of the peace;
- (c) the clerk of the municipality;
- (d) the member of the House of Commons for the electoral district in which the municipality or any part thereof lies;
- (e) the member of the Assembly for the electoral district in which the municipality or any part thereof lies; and
- (f) every candidate for whom votes were given at the then last election of a member for the House of Commons and the Assembly respectively for the electoral district in which the municipality or any part thereof lies. 1922, c. 4, s. 21 (1).

Certificate  
of judge.

(2) The judge shall certify each of such copies and shall retain one and shall deliver or transmit by post, one copy to each of the persons mentioned in clauses *b* to *f*, of sub-section 1. 1922, c. 4, s. 21 (2) *amended*.

Statement  
of changes  
made by  
judge.

**21.**—(1) If any complaint is made and allowed by the judge he shall immediately after the list has been finally revised, certify (Form 15) to the clerk a statement of the changes made by him in the list. 1922, c. 4, s. 22 (1) *amended*.

Delivery of  
copies of  
revised list.

(2) The clerk shall thereupon prepare a sufficient number of copies of the statement of changes made by the judge to furnish one copy for each of the persons mentioned in

clauses

clauses *b, c, d, e, and f* of subsection 1 of section 20, and shall within one week after the revision has been made by the judge transmit or deliver such copies of the statement of changes to the judge.

- (a) Such statement shall be made out according to polling subdivisions and shall show the changes made in the list for each polling subdivision.

(3) The judge shall thereupon sign and certify (Form 15) such copies together with a copy of the voters' list received by him from the clerk under the provisions of section 9 and shall return one copy to the clerk and deliver or transmit by registered post one copy to each of the persons mentioned in clauses *b, c, d, e and f* of subsection 1 of section 20. 1923, c. 3, s. 6. Certificate of judge on copies.

(4) Instead of proceeding as provided in subsections 1, 2 and 3, the judge may direct the clerk to prepare a sufficient number of copies of the list as revised by the judge to furnish one copy for each of the persons mentioned in clauses *b, c, d, e and f* of subsection 1 of section 20, and the clerk shall within one week after the revision has been made transmit or deliver such copies to the judge, and the judge shall thereupon sign and certify (Form 16) such copies and deal therewith in the manner provided by subsection 2 of section 20. 1923, c. 3, s. 7 (1). Delivery and certification of copies of revised list.

**22.**—(1) After the list has been certified and before the nomination day at any municipal election, the judge may, upon the application of a voter, strike from the list the name of any person who has died since the list was certified; and for that purpose the certificate of the Registrar-General or of the division registrar shall be sufficient evidence of death, but if the identity of the person proved to be dead with the person whose name is sought to be struck off is disputed or open to reasonable doubt, proof of the identity shall be required. Striking off names of persons dying after revision.

(2) The proceedings shall be the same as nearly as may be as those which are prescribed for the revision of the list, except that it shall not be necessary to publish notice of the sittings of the court, and the judge and the officers named in this Act shall have the same jurisdiction as in the case of proceedings to revise the list under this Act. 1922, c. 4, s. 23. Procedure.

**23.** The certified list shall, under *The Municipal Act* be final and conclusive evidence that all persons named therein, and no others, were qualified to vote at any municipal election Effect of certified list.

at which such list was, or was the proper list to be used except,—

**Exceptions.**

- (a) persons guilty of corrupt practices at or in respect of the election in question, or since the list was certified by the judge;
- (b) persons who, subsequent to the list being certified, have ceased to be qualified to vote at a municipal election in the municipality to which the list relates and who by reason thereof are, under the provisions of *The Municipal Act*, disentitled to vote;
- (c) persons who were disqualified and incompetent to vote under *The Disqualification Act, 1919*, and whose disqualification has not been removed or expired. 1922, c. 4, s. 24.

**Duty of municipality to provide room.**

**24.**—(1) The corporation of the municipality within which a court is to be held shall provide a suitable and convenient place, properly furnished, heated and lighted, for the holding of the court, and in default thereof, the judge may hold the court at such place in the county or district as he may deem proper; and if the court is held elsewhere than in the court-house of the county or district, the occupant of the building in which it is held may recover from the corporation the sum of \$5 for each day on which the building was used for the purposes of the court.

**Courts in county towns.**

(2) Every court held in the county or district town shall be held in the court-house, or in such other place as the judge may deem proper. 1922, c. 4, s. 25.

**Powers of judge.**

**25.** In all proceedings before the judge he shall have all the powers which belong to or might be exercised by him in the county court. 1922, c. 4, s. 26.

**Clerk.**

**26.** The clerk of every municipality shall be subject to the summary jurisdiction and control of the judge in the performance of his duty under this Act, in the same manner as an officer of the county court is to the court. 1922, c. 4, s. 27.

**Remuneration of clerk in connection with complaints.**

**27.**—(1) The clerk shall be entitled to the actual and reasonable disbursements necessarily incurred by him in the discharge of the duties imposed upon him by this Act, and shall also be entitled to the following compensation,—

- 1. Five cents for the name of every person entered in the list of complaints;
- 2. Five cents for every name entered in any necessary copy of the list of complaints;



3. Five cents for every name entered or other correction made by the judge in the voters' list, and in every copy of the list as revised;
4. Five cents for every name in the statement of change made by the judge in the list;
5. Fifteen cents for every necessary notice to any party complaining or complained against;
6. Fifteen cents for every mile necessarily and actually travelled by him in effecting service of a notice of appeal or complaint and in attendance at the hearing of complaints or appeals;
7. Five dollars for every day's attendance at the sittings of the court. 1922, c. 4, s. 28, *amended*.

(2) The assessor shall be entitled to all reasonable disbursements actually incurred by him in the discharge of any duties imposed upon him under this Act and to an allowance of \$5 per diem for every day's attendance at the court and to fifteen cents for every mile necessarily and actually travelled by him to attend at the hearing of complaints or appeals.

Remuneration of assessor.

**28.**—(1) The judge shall have power to appoint a proper person to attend as constable at the sitting of the court, and the duties and powers of such person shall be as nearly as may be the same as those of a bailiff at a sitting of a division court.

Appointment of constable.

(2) The person acting as constable shall be entitled to the following compensation,—

Constable's fees.

1. For every day's attendance, four dollars;
2. For every service of any process or notice, including the receipt and return thereof, and all other duties connected therewith when allowed by the judge, a sum not exceeding twenty cents per mile one way for each mile actually and necessarily travelled to effect such service. 1922, c. 4, s. 29.

**29.** The compensation to which the clerk, assessor and constable are respectively entitled shall be certified by the judge and paid to the clerk, assessor and constable respectively by the treasurer of the municipality upon the production and deposit with him of the judge's certificate. 1922, c. 4, s. 30. *Amended*.

Payment of fees.

**30.** If the judge who holds the court is of the opinion that any person has contravened section 44 or section 46 of this Act, or that frauds in respect to the assessment or the

Report by judges as to frauds etc.

list have prevailed extensively in the municipality, he shall report the same to the Attorney-General, with particulars as to names and facts. 1922, c. 4, s. 31.

Amend-  
ments.

**31.** The judge may amend any notice or other proceeding upon such terms as he may think proper. 1922, c. 4, s. 32.

Substitution  
of new  
appellant.

**32.** If an appellant or complainant dies or abandons his appeal or complaint, or is found not to be entitled to be an appellant, the judge may in his discretion allow, any other person who might have been an appellant or complainant to intervene and prosecute the appeal or complaint, upon such terms as the judge may think just. 1922, c. 4, s. 33.

Costs occa-  
sioned by  
errors.

**33.**—(1) If errors are found in the voters' list on the revision thereof, in the omission of names, the inaccurate entry of names, or the entry of names of persons not entitled to vote, and it appears to the judge that the assessor or clerk was blamable for any of the errors, the judge may order (Form 17) the assessor or clerk respectively, to pay all costs occasioned by such errors.

Order for  
payment by  
municipality.

(2) In case of errors for which the court of revision is blamable, the judge may order the municipality to pay the costs occasioned by such errors.

Discretion  
of judge.

(3) In all cases not herein provided for, the costs shall be in the discretion of the judge. 1922, c. 4, s. 34.

Scale of  
costs.

**34.** The costs to be allowed on any proceeding under this Act shall be according to the lowest scale of costs in an action in a division court. 1922, c. 4, s. 35.

Liability  
of appellant  
for costs.

**35.** An unsuccessful appellant or complainant shall be liable to pay the witness fees only, unless in the opinion of the judge, the complaint or appeal is frivolous or vexatious, or has not been made in good faith, when the judge may order the appellant or complainant to pay in addition any other costs allowed by section 34. 1922, c. 4, s. 36.

Enforcing  
payment of  
costs.

**36.** Payment of costs may be enforced by an execution (Form 18) against goods and chattels, to be issued from the division court of the division within which the municipality or part thereof is situate, upon filing therein the order of the judge, and an affidavit showing the amount at which the costs have been allowed and the non-payment thereof. 1922, c. 4, s. 37.

## REFERENCE TO DIVISIONAL COURT.

**37.**—(1) In order to facilitate uniformity of decision without the delay and expense of appeals,—

Stating case  
for opinion  
of court  
of appeal.

(a) a judge may state a case on any question arising or likely to arise, and may transmit the same to the Lieutenant-Governor in Council, who may immediately refer the same to a Divisional Court for the opinion of the Court; or

(b) the Lieutenant-Governor in Council may state a case on any such question to a Divisional Court for a like opinion.

(2) Immediately upon receipt of the case it shall be the duty of the Court to appoint a time and place for hearing argument, of which written notice shall be given by the registrar of the Appellate Division posting up a copy of the notice in the Central Office at Osgoode Hall, in Toronto, at least ten clear days before the time appointed.

Fixing time  
and place of  
hearing  
argument.

(3) At the time appointed the Court shall hear the argument by such of the counsel present as the Court may think fit to hear, and shall certify to the Lieutenant-Governor in Council the opinion of the Court thereon, and the opinion shall forthwith be published in the *Ontario Gazette*, and a copy of the opinion shall forthwith be sent to the judge of every county and district court. 1922, c. 4, s. 38.

Hearing.

**38.** A Divisional Court may also give an opinion on any question at the instance of any voter, if the Court sees fit; and the proceedings with respect thereto shall be, as nearly as may be, the same as upon a case referred; but the Court or a judge thereof may require a deposit of money to cover the costs of hearing the question argued by counsel, and may require notice of the proceedings, or any of them, to be given to such person as the Court or judge may direct. 1922, c. 4, s. 39.

Opinion at  
instance of  
voter.

## LIABILITY FOR TAXES OF PERSONS WHOSE NAMES ARE ADDED.

**39.** If any person who is found entitled to be a voter at municipal elections is not assessed, or is insufficiently assessed, the judge shall enter the name of such person on the roll together with the other particulars required by *The Assessment Act* to be set opposite the name of the person assessed including the value of the property or income in respect of which the assessment is made, which shall be determined by the judge, and corresponding corrections shall be made by the clerk in the collector's roll. 1922, c. 4, s. 40.

Liability of  
persons  
whose  
names are  
added to  
roll on  
revision.



## FAILURE OF CLERK TO PERFORM HIS DUTIES.

Lists not vitiated by failure of clerk to perform duties.

**40.** The non-performance by the clerk of any of his duties under this Act within the times appointed shall not affect the validity of any list. 1922, c. 4, s. 41.

Summary application to enforce performance of duties.

**41.—(1)** In case the clerk fails to perform any of his duties, the clerk of the peace shall forthwith apply summarily (Form 19) to the judge to enforce the performance of the same.

Application by voter.

**(2)** The application may also be made by any voter.

Proceedings by judge.

**(3)** The judge shall require (Form 20) the clerk and any other person he sees fit to appear before him and produce the assessment roll, and any documents relating thereto, or to the list, and to submit to examination on oath, and may thereupon make such order and give such directions as he may deem proper.

Liability of clerk for costs.

**(4)** The clerk shall pay the costs of the proceedings, unless on special grounds the judge shall otherwise order, in which case the judge may direct how and by whom the costs shall be paid.

Clerk's liability to penalty.

**(5)** The proceedings and order of the judge shall not relieve the clerk from the penalty hereinafter imposed. 1922, c. 4, s. 42.

Penalty for neglect of duties by clerk.

**42.** If the clerk omits, neglects or refuses to perform any of the duties hereinbefore required of him, for such omission, neglect, or refusal, he shall incur a penalty of \$200. 1922, c. 4, s. 43.

Penalty for wilfully falsifying lists.

**43.** The wilful alteration of, omission from, incorrect entry in, or falsification of a certified list or copy thereof shall be an offence; and any clerk of a municipality, clerk of the peace or other person who commits such offence, or wilfully permits the same to be committed, shall incur a penalty of not less than \$500 nor more than \$2,000 and in addition thereto may be imprisoned for a period not exceeding three months. 1922, c. 4, s. 44.

## COLOURABLE TRANSFER OF PROPERTY.

Colourable transfer of property in order to confer vote.

**44.—(1)** No person shall be a party to any instrument or to any verbal arrangement, whereby a colourable qualification is conferred or sought to be conferred upon himself or any other person in order to enable him to become a voter.

(2) Any person violating the provisions of this section, <sup>Penalty.</sup> beside being liable to any other penalty prescribed in that behalf, shall incur a penalty of \$100.

(3) Any person who induces or attempts to induce another <sup>Procuring commission of offence.</sup> to commit an offence under this section shall incur a like penalty. 1922, c. 4, s. 45.

#### CREATION OF FALSE VOTES.

**45.** To prevent the creation of false votes, where a per- <sup>Inquiries by assessor.</sup> son claims to be assessed, or to be entered or named in an assessment roll, or claims that another person should be assessed, or to be named in an assessment roll so as to entitle him to be a voter, and the assessor has reason to suspect that the person so claiming, or for, or in respect to whom the claim is made, ought not to be so assessed, or so entered or named in the roll, it shall be the duty of the assessor to make reasonable inquiries before assessing, entering, or naming any such person in the assessment roll. 1922, c. 4, s. 46.

**46.** Any person who wilfully and improperly enters or <sup>Improper insertion of name in roll.</sup> procures or causes to be entered the name of a person in an assessment roll, or assesses or procures or causes the assessment of a person at too high an amount, with intent to give to a person not entitled thereto, either the right or an apparent right to be a voter; or who wilfully enters or procures or causes to be entered a fictitious name in an assessment roll, or who wilfully and improperly omits, or procures or causes to be omitted the name of a person from the assessment roll, or assesses or procures or causes the assessment of a person at too low an amount with intent to deprive a person of his right to be a voter, shall incur a penalty of \$200. 1922, c. 4, s. 47.

#### RECOVERY OF PENALTIES AND FINES.

**47.** Any penalty mentioned in the next five preceding <sup>Recovery of penalties.</sup> sections shall be recoverable before a police magistrate or the judge of a county or district court. 1922, c. 4, s. 48, *amended.*

#### INSPECTION AND COPIES OF DOCUMENTS.

**48.** A voter, and an agent of a voter may, at all reason- <sup>Right to inspect and copy assessment rolls, etc.</sup> able times and under reasonable restrictions, inspect and take copies of or extracts from assessment rolls, notices, complaints, applications and other documents and proceedings necessary or of use for carrying out of the provisions

of *The Municipal Act*, *The Assessment Act*, or of this Act; and the clerk for the said purposes shall accord all reasonable facilities which may be consistent with the safety of the documents, and the rights and interests of all persons concerned, and shall in regard to the matters aforesaid be subject to the direction of the judge. 1922, c. 4, s. 49.

Fees for  
copies of  
lists.

**49.** The fees payable to the clerk of the peace and to the clerk of the municipality for furnishing copies of a list or any part of a list shall be those fixed by the Lieutenant-Governor in Council under the authority of *The Election Act*. 1922, c. 4, s. 50.

## PART II.

### PREFARATION OF WARD LISTS.

Preparation  
of list where  
roll returned  
and revised  
by wards.

**50.** Immediately after the return by the assessor of the assessment roll for any ward or subdivision of a ward, and without waiting for the revision and correction of the roll by the court of revision or by the judge, the clerk of every city to which the provisions of this Part apply, shall prepare and print the first and second parts of the voters' list and shall prepare the third part of the voters' list for such ward or subdivision in the manner prescribed by Part I of this Act. R.S.O. 1914, c. 6, s. 51.

Posting up  
and distri-  
buting lists.

**51.—(1)** Forthwith after the preparation and printing of the last of such lists the clerk shall post up and distribute each of the lists for each ward or subdivision in the manner prescribed by Part I, and forthwith after the clerk has posted up the lists in his office, he shall cause a notice to be inserted once a week for three weeks in such daily newspapers published in the city as may be directed by the judge calling upon persons who are aware of errors or omissions in the lists or of changes which have been rendered necessary by reason of the death or removal of any person named therein or by reason of any person having acquired the necessary qualifications as a voter since the return or final revision of the assessment roll for any such ward or subdivision of a ward to give notice of the same, and shall name a time and place at which the judge will hold a court for revising the lists for the whole city.

Notice of  
court for  
hearing  
complaints.

Time for  
making  
complaint.

**(2)** The time for making complaints as to errors or omissions in the lists shall be within fifteen days after the first publication of the notice. 1922, c. 4, s. 52.



**52.** The judge shall so arrange and proceed, and so fix Time for final revision of lists. the sittings of the court for hearing complaints against or in respect of the lists that the complaints shall be heard and determined and the lists finally revised and certified in the manner provided by Part I, within ten days after the last day for making complaints and in any case before the 10th day of December. 1922, c. 4, s. 53.

**53.** If no complaint respecting any of the lists is received Certifying list where no complaint made. by the clerk within fifteen days after the first publication of the notice the clerk shall forthwith apply to the judge to certify three copies of each of the lists as being the last revised list of voters for the ward or subdivision, and the judge shall certify such three copies and retain one, and deliver, or transmit by post, registered, one to the clerk of the peace, and one to the clerk of the municipality, to be kept by him among the records of his office. 1922, c. 4, s. 54.

**54.—(1)** If any complaint is made as aforesaid with Procedure where complaints are made. respect to any of the lists within such period, the judge shall proceed as provided by section 21 of this Act, and sections 22 and 23 of this Act shall apply to the list prepared under this Part.

**(2)** If the assessment roll is not finally revised before When changes made in assessment roll subsequent to preparation of list. the final revision and certifying of the lists by the judge, and upon appeal to the judge from the court of revision alterations are made in the assessment roll affecting the right of any person to be entered on any of the lists, the judge shall forthwith after the final revision of the roll, make out a list of such alterations and deliver the same to the clerk, who shall make corresponding changes in the certified copies of the revised list, and the judge shall initial the same, and a copy of the list of alterations shall be posted up by the clerk in his office. 1922, c. 4, s. 55.

**55.** The lists as so revised, corrected and certified by Effect of lists as completed. the judge shall together form from time to time the last revised voters' list for the city within the meaning of this Act, and *The Municipal Act*, and the date fixed by section 53 as the last day for making complaints to the judge shall be deemed to be the last day for making complaints to the judge within the meaning of any oath prescribed by the said Act and such date shall be inserted in any such oath when the voting is upon a list prepared under this Part. 1922, c. 4, s. 56.

## PART III.

PRINTING AND DISTRIBUTION OF THIRD PART OF VOTERS'  
LIST AND REVISION OF LISTS FOR  
PROVINCIAL ELECTION.

Printing  
third part.

**56.**—(1) Where the third part of any voters' list has not been printed but has been deposited with the clerk of the peace, he shall, when directed in writing by the Chief Election Officer, cause the lists so deposited with him to be printed, and shall transmit the same as printed to the clerk of the municipality, who shall post up and distribute the printed copies of the list in the same manner as nearly as may be as is provided for the posting up and distributing of the printed copies of the first and second parts of the voters' list. 1922, c. 4, s. 57 (1) *amended*.

Particulars  
to be  
included in  
list.

(2) Where the third part is printed by the clerk of the peace under this section it shall not be necessary to include in the said list any particulars except the name of the voter, his place of residence and condition or initials indicating such condition as "married," "unmarried," "widower," "bachelor," *et cetera*.

Cost of  
printing.

(3) The cost of printing shall be borne by the municipality.

List to be  
revised  
under this  
Part.

(4) Subject to the provisions of subsection 5, the list to be revised under this Part shall be the first part of the last list finally revised by the judge of the county or district court and the third part of the said list prepared by the clerk of the municipality and filed with the clerk of the peace. *New*.

Election  
board may  
direct use  
of unrevised  
list in  
certain  
cases.

(5) Where an alphabetical list has been prepared by the clerk of the municipality and printed, distributed and deposited with the clerk of the peace as provided by Part I, but has not been revised by the judge, the board may in its discretion direct the use of the first and third parts of such list, or of either part, in place of the list mentioned in subsection 4. 1923, c. 3, s. 2, *part, amended*.

Board to  
fix time  
and place  
of hearing  
appeals.

**57.** As soon as conveniently may be after the issue of a writ for the holding of an election to fill a vacancy in the Assembly, or after the dissolution or expiry of the Assembly, the board shall fix the times and places in every municipality at which sittings shall be held by the revising officer for the purpose of hearing complaints as to the right of any person to be entered on the lists as entitled to vote at elections to the Assembly. 1922, c. 4, s. 58.

Appoint-  
ment  
of revising  
officer.

**58.**—(1) The board shall appoint from among their number revising officers to hold sittings in each municipality

or part of a municipality included in the electoral district in which an election is to be held, for the revision of the lists for the purposes of the election.

(2) Wherever practicable, the revising officer so appointed shall be the judge or one of the judges of the county or district court or the acting judge of the said court, but where the county or district forms part of a district formed under section 20 of *The County Judges Act*, as enacted in section 4 of *The County Judges Act, 1919*, a judge of any county or district included therein may be appointed revising officer in a municipality in the county court district. 1922, c. 4, s. 59.

County judge to act if practicable.

**59.** Where, owing to the number of sittings to be held, or from any other cause, the board finds it impracticable for a judge to act as revising officer, the board may appoint one of their number, being a barrister of at least five years standing, or some other fit and proper person having the like qualification to act as revising officer. 1922, c. 4, s. 60.

Where judge not available.

**60.** The board shall cause notice in the prescribed form to be given by publication in at least two newspapers having a general circulation in the county or district, and by posting up such notice in the office of the clerk of the municipality and in at least two conspicuous places in the municipality or portion of the municipality for which the sittings are to be held, stating the name of the revising officer appointed for each municipality, and the name and place of residence or office of the clerk of the revising officer, and the time and place at which the sittings will be held for each municipality and the last day upon which notice of complaint may be given under this Part, and calling upon all persons to examine the voters' list in order to ascertain that their names are correctly entered therein. 1922, c. 4, s. 61.

Notice of sittings of revising officer.

**61.** The clerk of the municipality shall act as clerk to the revising officer, but the board may appoint a clerk to any revising officer where the clerk of the municipality is unable to act. 1922, c. 4, s. 62.

Clerk of municipality to be clerk to revising officer.

**62.** The last day for making complaint to the revising officer shall be not less than two clear days and not more than seven clear days before the day fixed for holding the sittings, as the board may direct. 1922, c. 4, s. 63.

Last day for making complaint.

**63.** Every person who, if he remains a resident in the municipality until the day fixed for holding the poll, and is otherwise qualified as provided by this Act, will be entitled to vote at the election, and whose name does not appear upon the first part of the last revised voters' list, as certified

Right to apply.



by the judge under Part I, or on the third part of the list as prepared by the clerk, shall be entitled to apply by notice of complaint in the prescribed form to the revising officer to have his name entered upon the list. 1922, c. 4, s. 64.

Who may  
give notice  
of complaint.

**64.**—(1) Any person whose name is entered upon the list, or who is entitled to be so entered, shall be entitled to give notice of complaint as to any person whose name has not been entered on the said first or third parts of the list and who, if he remains a resident of the municipality or electoral district, will be qualified in other respects to vote at the election, or as to any person whose name has been entered on the list and who is not qualified or who has ceased to be qualified or is disqualified under *The Election Act* or *The Disqualification Act, 1919*, or otherwise by law prohibited from voting.

Notice of  
complaint  
to be in  
duplicate

(2) The notice of complaint shall be in duplicate and the clerk of the revising officer shall keep one copy of every notice of complaint posted up in his office and shall deliver the other copy to the revising officer. 1922, c. 4, s. 65.

Delivery of  
last list by  
clerk.

**65.** Subject to the provisions of section 56, the clerk of the peace shall deliver to the board three copies of the first part of the list for the municipality as last revised by the judge in the manner provided by this Act, and three copies of the third part as received by him from the clerk of the municipality, or printed by the clerk of the peace, and the said lists shall be subject to revision upon complaint as hereinbefore provided. 1922, c. 4, s. 66, *amended*.

Procedure  
at sittings

**66.** The sittings of the revising officer shall be held in the same manner and shall be subject to the same provisions as nearly as may be as the sittings of the judge for the hearing of appeals or complaints under Part I of this Act and such provisions shall *mutatis mutandis* apply to the sittings of the revising officer. 1922, c. 4, s. 67.

Entering  
name with-  
out com-  
plaint in  
certain  
cases.

**67.**—(1) Where a person by whom or on whose behalf notice of complaint has not been given applies to the revising officer to have his name entered upon the list, and no objection to the want of notice is taken, the revising officer upon being satisfied on oath of such person or of someone having personal knowledge of the facts, that he is qualified to be so entered shall enter the name of such person upon the list.

Names not  
to be  
struck off  
without  
notice.

(2) The name of any person shall not be removed from the list by the revising officer unless the revising officer is satisfied on oath that due notice of complaint has been given to such person or that such person is dead or has removed from the municipality.

(3) The revising officer shall not remove any name from <sup>Evidence required.</sup> or add any name to the list or make any other changes therein except upon the evidence under oath of some person who has personal knowledge of the facts. 1922, c. 4, s. 68.

**68.**—(1) At the close of the sittings, the revising officer shall certify in the prescribed form the lists as revised by him and the list of changes and corrections in the lists in triplicate, and one copy shall be delivered by the clerk of the revising officer to the clerk of the peace, and one copy shall be retained by the clerk of the revising officer and the third copy shall be delivered by the revising officer to the clerk of the board. <sup>Certifying and delivering lists at close of sittings.</sup>

(2) The lists as so revised and certified shall be the proper lists to be used at the election. 1922, c. 4, s. 69. <sup>List as revised to be proper list for election.</sup>

**69.**—(1) The Lieutenant-Governor in Council may make <sup>Regulations.</sup> regulations,—

- (a) prescribing the forms, notices and other documents to be used for the purposes of this Part;
- (b) respecting the duties of the clerk of the board, the clerk of the peace and the clerks and other officers appointed or acting under this Part;
- (c) respecting the books and other records to be kept of the proceedings of the board and the revising officer;
- (d) fixing the fees to be payable to the board and the revising officer, clerk of the revising officer and clerk of the peace for services performed, and the witness fees and costs payable under this Part, and prescribing the manner in which the same shall be borne and paid;
- (e) fixing the times within which the lists shall be completed and delivered to the clerk of the peace or the revising officers, and the time within which any duty imposed by this Part with reference to the revision of the lists by the revising officer and as to which no other provision is made, shall be performed;

(f)

(f) for giving directions as to any matter in connection with the preparation or revision of lists under this Part which is not expressly provided for therein; and

(g) generally for the better carrying out of the provisions of this Part.

Force of regulations.

(2) Any regulation made by the Lieutenant-Governor in Council under this Part shall have the same force as if it had been enacted herein. 1922, c. 4, s. 70.

Fees and expenses—how paid.

**70.** The fees and expenses of the board, the revising officers and clerks, the clerks of the municipalities and the clerks of the peace shall be payable by the municipality, and where lists are being revised for more than one municipality in a county or district, such fees and expenses shall be borne by the various municipalities whose lists are subject to revision in proportion to population and shall be payable to the persons entitled thereto by the treasurer of the municipality upon the presentation of accounts therefor certified by the chairman of the board. 1922, c. 4, s. 71, *amended*.

#### PART IV.

##### LISTS IN TERRITORY WITHOUT MUNICIPAL ORGANIZATION.

When lists to be prepared.

**71.** Whenever a vacancy occurs in the Assembly or the Assembly is dissolved or expires, lists shall be prepared in each electoral district comprising territory without municipal organization, including territory in an Indian Reserve, of all persons who are entitled to be entered upon the lists and to vote at an election in the electoral district of which such territory forms a part. 1922, c. 4, s. 72.

Proclamation of preparation of list.

**72.** As soon as conveniently may be after a vacancy occurs in the Assembly or the Assembly is dissolved or expires the board shall cause a proclamation in the prescribed form to be posted up at every place at which a poll was held at the last election to the Assembly calling upon all persons qualified to vote at the election to see that their names are duly entered on the list to be prepared under this Part. 1922, c. 4, s. 73.

Appointment of chief enumerator and assistant enumerators.

**73.—(1)** The board shall appoint a chief enumerator for the electoral district and the chief enumerator shall appoint one or more assistant enumerators to assist him in the preparation of the voters' lists.



(2) The appointment shall be by writing in duplicate under the hand of the chairman of the board or the chief enumerator as the case may be and shall designate the area within the electoral district in which each assistant enumerator is to prepare the list. Appointment to be in writing.

(3) One of such duplicates shall be furnished to the chief enumerator or the assistant enumerator, as the case may be, and the other shall be forthwith filed in the office of the clerk of the board and shall be open to inspection at all reasonable times. Filing of appointments.

(4) A copy of every such appointment, certified by the chairman of the board, or by the chief enumerator as the case may be, shall be forthwith transmitted to the Clerk of the Crown in Chancery, and shall be filed in his office. 1922, c. 4, s. 74. Copy for Clerk of Crown in Chancery.

**74.** The board may dispense with the services of any chief enumerator or assistant enumerator at any time and may appoint some other person to the office and may fill any vacancy caused by death, removal or otherwise, or by the neglect of the chief enumerator to make an appointment, and may enlarge, diminish or alter the limits of the territory in which any assistant enumerator is to act as the board may think fit. 1922, c. 4, s. 75. Changes among appointees.

**75.** Every chief enumerator and every assistant enumerator shall, before entering upon his duties, take the oath of office (Form 21) before a judge of the county or district court of the county or district or before a justice of the peace or one of the members of the board, and the oath shall forthwith be transmitted to the clerk of the board, and in the case of the chief enumerator shall be forthwith transmitted by the clerk of the board to the Clerk of the Crown in Chancery. 1922, c. 4, s. 76. Oath of office.

**76.**—(1) The chief enumerator, under the direction of the board, shall forthwith cause to be posted up in a conspicuous manner throughout those parts of the territory for which he is appointed, and in such places as the board may direct, a copy of this Part, and one or more printed notices in the prescribed form, and the chief enumerator or assistant enumerator shall attend at the time and place mentioned in the notice. Notice of preparation of lists and duty of chief enumerator thereunder.

(2) The chief enumerator shall also forthwith, upon appointment, notify the member representing the electoral district, the defeated candidate in the previous election in such district, and the known candidates before the people for

election in such district, of the preparation of the voters' lists by sending to each of them by registered post a copy of this Part and one printed notice in the prescribed form. 1922, c. 4, s. 77.

Fixing  
polling  
places.

**77.**—(1) Notwithstanding anything in *The Election Act*, or any amendment thereto contained, polls shall be held in territory to which this Part applies at such places as may be fixed by the chief enumerator subject to the approval of the board.

List of  
polling  
places to  
be forwarded  
with notice.

(2) A list of such places shall be forwarded with the notice provided for in the last preceding section, to the persons mentioned in subsection 2 thereof, and a list shall be prepared for use at every such polling place. 1922, c. 4, s. 78.

Who may be  
entered  
on list.

**78.** Every person who,—

- (a) is of the full age of twenty-one years or will be of the full age of twenty-one years before the day fixed for holding the poll at the election;
- (b) is a British subject;
- (c) is not disqualified under *The Election Act* or *The Disqualification Act, 1919*, or otherwise by law prohibited from voting;
- (d) is a resident of and domiciled in the electoral district;
- (e) is and has been continuously, from a date twelve months prior to the day fixed for holding the poll at the election, a resident of and domiciled in Ontario,

shall be entitled to be entered on the list prepared under this Part. 1922, c. 4, s. 79.

General  
supervision  
of enumeration.

**79.** Subject to the direction of the board the chief enumerator shall have the general supervision and direction of the assistant enumerators, and notwithstanding anything in this Act contained, may do and perform any of the duties assigned to an assistant enumerator. 1922, c. 4, s. 80.

Application  
of general  
provisions  
as to duties  
of clerk  
and judge.

**80.**—(1) Save as otherwise provided, the judge and assistant enumerators, so far as the same are applicable to territory without municipal organization, shall respectively perform the duties assigned to the judge and to the

clerk

clerk of the municipality and the judge by this Act elsewhere in Ontario, and the forms and notices and other proceedings shall be the same as nearly as may be, and be taken with the same effect as in the case of lists elsewhere in Ontario save as herein otherwise provided.

(2) All appeals shall be filed in duplicate with the clerk <sup>Appeals.</sup> of the board, and he shall post up one copy of every notice of appeal or complaint in his office and shall deliver the other copy to the judge. 1922, c. 4, s. 81.

**81.** The list shall be in several parts, one part for each <sup>Subdivision of lists.</sup> polling place, and the name of each voter shall be entered in that part, the polling place for which is most convenient for him. 1922, c. 4, s. 82.

**82.** Every assistant enumerator shall, on completion of <sup>Affidavit of assistant enumerator.</sup> the lists, attach thereto an affidavit in the prescribed form, to be made before the judge or a police magistrate, and shall forthwith deliver the list to the clerk of the board who shall post up the same in his office. 1922, c. 4, s. 83.

**83.** The non-performance by the assistant enumerator <sup>Where irregularities not to void list.</sup> of any of his duties under this Act within the times appointed shall not affect the validity of any list nor shall such list be void for an irregularity, if there has been a substantial compliance with the requirements of this Part. 1922, c. 4, s. 84.

**84.—(1)** There shall be an appeal to the judge in the <sup>Appeal to judge.</sup> same manner as elsewhere in Ontario under this Act and the judge shall, without any unnecessary delay, attend and hear the appeals at such places as may be convenient for the parties concerned, and shall give due notice thereof.

(2) The board may appoint one or more of its members <sup>Appointment of additional officers to hear appeals.</sup> to act in place of the judge for the purpose of hearing appeals and complaints under this Part where owing to the extent of territory to be dealt with or for any other reason the board deems such appointment necessary or expedient, and every person so appointed in the territory to which he is assigned shall have and may exercise and shall perform all the rights, powers, authority and duties of the judge under this Part.

(3) A voter may also appeal with respect to the polling <sup>Appeal as to polling place.</sup> place at which his name is entered.

(4) At least ten days' notice in the prescribed form (inclusive <sup>Notice of appeal.</sup> of the first day's publication) of the hearing of such appeals shall be given, by publication in a newspaper published in the county or district, and by posting as required by section 76.



Procedure  
on appeals.

(5) The proceedings, in respect to such appeals, shall be as nearly as may be the same as upon appeals under Part I of this Act save that the time within which notice may be given of any complaint or appeal to be made to the judge with respect to a voters' list shall be ten days after the assistant enumerator has posted up the list, inclusive of the day of such posting.

Notice of  
hearing  
appeals.

(6) Notice of the time and place at which appeals will be heard shall be posted up by the chief enumerator and the assistant chief enumerator with the list of voters and the board may give such directions as to further notice of the hearing of appeals as it may deem necessary to secure due publicity. 1922, c. 4, s. 85.

Certifying  
list where  
there is  
no appeal.

**85.** If there is no appeal within such ten days the enumerator shall forthwith deposit in the office of the sheriff, and of every police magistrate in the electoral district, and in the office of the clerk of the peace and the clerk of the board respectively, a copy of his list, certified by the judge. 1922, c. 4, s. 86.

Fees of  
enumerator  
and judge.

**86.**—(1) The chief enumerator and each assistant enumerator for preparing, and the judge for revising the lists required by this Part, shall be entitled to receive the sum of \$5 per day for the time during which he was engaged therein, and all reasonable personal expenses and disbursements.

When ad-  
ditional  
sums  
may be  
authorized.

(2) Whenever it appears to the Lieutenant-Governor in Council that the amount provided in subsection 1 is not sufficient remuneration for the services required to be performed, he may authorize the payment of such additional sum for such services as he may consider just and reasonable.

How pay-  
able.

(3) The fees, allowances and expenses payable under subsections 1 and 2, and the other expenses of preparing lists under this Part shall be certified by the chairman of the board and shall be audited and paid in the manner provided by *The Election Act* with respect to fees and expenses allowed under that Act.

Enumerators  
etc., not to  
be candi-  
dates.

**87.** No chief enumerator or assistant enumerator and no person in whose office the list is deposited under this Part, shall be a candidate for election to the Assembly at any election at which the list is used. 1922, c. 4, s. 88.

Penalty  
for neglect  
of duty.

**88.** If a chief or assistant enumerator wilfully neglects, omits, or refuses to perform any of the duties hereinbefore required of him, for each omission, neglect or refusal, he shall incur a penalty of \$200. 1922, c. 4, s. 89.

**89.** The wilful alteration of, omission from, incorrect entry in or falsification of any certified list or copy thereof, shall be an offence and any chief or assistant enumerator, clerk of the peace or other person who commits such offence or wilfully permits the same to be committed, shall incur a penalty of not less than \$500 nor more than \$2,000 and in addition thereto may be imprisoned for a period not exceeding three months. 1922, c. 4, s. 90.

**90.** Any penalty mentioned in the next two preceding sections shall be recoverable under *The Ontario Summary Convictions Act*. 1922, c. 4, s. 91.

For mis-  
conduct.

Recovery of  
penalties.

**91.** The Lieutenant-Governor in Council may make regulations,—

Regulations.

- (a) prescribing forms to be used in carrying out this Part;
- (b) fixing the fees and charges to be paid and allowed for any services rendered in connection with the preparation and revision of the lists;
- (c) providing for any matter in connection with the preparation of the lists not expressly provided for in this Part, and generally for the better carrying out of the provisions of this Part. 1922, c. 4, s. 92.

## SCHEDULE A

## FORM 1.

(Section 6.)

## FORM OF VOTERS' LIST.

Voters' List 19 . Municipality of

## SCHEDULE OF POST OFFICES.

1. North Augusta.  
2. Maitland

3. Wright's Corners.  
4. Prescott.

POLLING SUBDIVISION No. 1, COMPRISING ETC.:—(Giving the Limits.)

## PART I.—Persons entitled to vote at BOTH Municipal Elections and Elections to the Legislative Assembly.

NAME	CON- DIT- TION	LOT	CON. OR STREET		POST OFFICE ADDRESS	JUR- ORS' COL.
Anderson, Henry.....	M.	N W 1/2 6	3	Owner	1	
Andrews, John.....	B	W 14 acres 8	1	F.S.	4	
Archer, Mary.....	MW	2	9	M.F.N.C.	4	
Brown, Hazel.....	S	W 1/2 9	2	Income	3	
Burton, Samuel.....	W'er	E 1/2 17	4	See Subdiv. No.	2	
Clark, Edith.....	W	W 1/2 17	4	Tenant	5	

## PART II.—Persons entitled to vote at Municipal Elections ONLY.

NAME	LOT	CON. OR STREET		POST OFFICE ADDRESS
Archer, Henry.....	4	3	M.F.N.C.	2
Burk, Edmund.....	W 1/2 17	4	Tenant	3
Jones, David.....	E 1/2 17	4	Owner	4

## PART III.—Persons entitled to vote at Elections to the Legislative Assembly ONLY.

NAME	CON- DIT- TION	LOT	CON. OR STREET	POST OFFICE ADDRESS
Acroyd, James.....	M	N 1/2 3	4	3
Joseph, Amos.....	B	3	7	3
Jones, Elizabeth.....	S	NW 1/2 6	8	3
Martin, Clara.....	MW	W 1/2 9	5	4
Morris, Edward.....	W'er	E 1/2 17	4	4
Smith, Grace.....	W	W 1/2 6	9	4

POLLING SUBDIVISION No. 2, COMPRISING ETC.:—(Giving the Limits.)

1922, c. 4, Form 1.

(NOTE: In the Column headed "Condition" insert the initial letter or letters "M" (Married); "M.W." (Married Woman); "S" (Spinster); "W" (Widow); "W'er" (Widower); "B" (Bachelor), according to the circumstances.)



## FORM 2

(Section 10.)

## CERTIFICATE TO BE ENDORSED ON PART I OF THE VOTERS' LIST.

I, A. B., Clerk of the Municipality of \_\_\_\_\_, in the County of \_\_\_\_\_, certify that the within (or above) list being the first part of the voters' list constitutes a correct list for the year 19\_\_\_\_, of all persons appearing by the last revised assessment roll to be entitled to vote at both elections for members of the Legislative Assembly and municipal elections in the said Municipality, and I hereby call upon all voters to take immediate proceedings to have any omissions or errors corrected according to law.

Dated this \_\_\_\_\_

day of  
A. B.,  
Clerk of

1922, c. 4, Form 2 (a).

## FORM 3.

(Section 10.)

## CERTIFICATE TO BE ENDORSED ON PART II OF THE VOTERS' LIST.

I, A. B., Clerk of the Municipality of \_\_\_\_\_, in the County of \_\_\_\_\_, certify that the within (or above) list being the second part of the voters' list constitutes a correct list for the year, 19\_\_\_\_, of all persons appearing by the last revised assessment roll to be entitled to vote at municipal elections only in the said Municipality, and I hereby call upon all voters to take immediate proceedings to have any omissions or errors corrected according to law.

Dated this \_\_\_\_\_

day of,  
A. B.,  
Clerk of

1922, c. 4, (Form 2 (b)).

## FORM 4.

(Section 12.)

## CLERK'S NOTICE OF FIRST POSTING OF VOTERS' LIST.

Voters' Lists, 19\_\_\_\_. Municipality of \_\_\_\_\_, County of \_\_\_\_\_.  
Notice is hereby given that I have complied with section 9 of the *Voters' Lists Act* and that I have posted up at my office at \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, the list of all persons entitled to vote in the said Municipality for members of Parliament (or, as the case may be, at municipal elections) and that such list remains there for inspection.  
And I hereby call upon all voters to take immediate proceedings to have any errors or omissions corrected according to law, the last day for appeal being the \_\_\_\_\_ day of \_\_\_\_\_, 192\_\_\_\_.

Dated, etc., \_\_\_\_\_

A. B.,  
Clerk of

1922, c. 4, Form 3; 1923, c. 3, s. 10.

## FORM 5.

(Section 13 (5).)

AFFIDAVIT IN SUPPORT OF APPLICATION FOR NAME TO BE  
PLACED ON REVISED LIST.

I, \_\_\_\_\_, of the Township of \_\_\_\_\_, in the County  
of \_\_\_\_\_, make oath and say:—

1. That I am (or that \_\_\_\_\_ is to the best of my personal knowledge) a British subject of the full age of twenty-one years, and not a citizen or a subject of any foreign country.

2. That I have (or that the said \_\_\_\_\_ has) resided in the Dominion of Canada for the nine months next preceding the day of \_\_\_\_\_, 19\_\_\_\_, (*Fill in the day fixed for beginning to make the assessment roll upon which the voters' list is based*) and that I was (or the said \_\_\_\_\_ was) on the said day a resident of and domiciled in this municipality.

or

2. That on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, (*fill in the last day for making complaint to the county judge*), I will have (or the said \_\_\_\_\_ will have), resided in the Dominion of Canada for the twelve months next preceding that day and that I am (or the said \_\_\_\_\_ is) a resident of and domiciled in this municipality.

3. That I am (or the said \_\_\_\_\_ is) entitled to be entered on the voters' list for the township of \_\_\_\_\_.

4. That I am not (or that the said \_\_\_\_\_ is not) disqualified under *The Election Act* or otherwise by law prohibited from voting at elections for the Legislative Assembly.

Sworn before me at the  
of \_\_\_\_\_ in the County of \_\_\_\_\_  
this \_\_\_\_\_ day of \_\_\_\_\_  
A. D., 19\_\_\_\_

(Signature Justice of the Peace or Commissioner, etc.)

NOTE.—This affidavit may be made before a justice of the peace, a commissioner for taking affidavits or a notary public.

1922, c. 4, Form 4.

## FORM 6.

(Sections 14 (1), 16 (1).)

## THE VOTERS' LISTS ACT, 1926

## NOTICE OF COMPLAINT OR APPEAL

Polling Subdivision No. .... Ward No. .... Municipality of .....

(*This notice must not apply to the lists for more than one polling subdivision*)

To \_\_\_\_\_, Clerk of the \_\_\_\_\_ for the  
of \_\_\_\_\_

I, (*Insert full name—No initials*), a person entered or entitled to be entered on the voters' list in the above-mentioned municipality in the electoral district of \_\_\_\_\_, complain that the persons whose names are set forth in List No. 1, are entitled to be on the voters' list for the above-mentioned polling subdivision, but are omitted from

the

the said list; that the persons whose names are set forth in List No. 2 are incorrectly described in the said list; that the persons whose names are set forth in List No. 3 ought not to have been entered on the voters' list for the above-named polling subdivision; and take notice that I intend to apply to the Revising Officer in respect thereof pursuant to the statute in that behalf.

Dated this                      day of                      (Signed)                      A.D. 192 .

LIST NO. 1.

(Showing voters omitted from or not entered on the Voters' List.)

NAMES OF PERSONS	ADDRESS	CONDITION (Here write letters: "M." meaning Married; "B." meaning Bachelor; "W'er" meaning Widower; "M.W." meaning Married Woman; "S." meaning Spinster; "W" meaning Widow; "S.F." meaning Soldiers' Franchise.
<i>Insert full name and do not use initials.</i>		

LIST NO. 2.

(Showing persons whose names are wrongly stated in Voters' List.)

NAMES OF PERSONS	ADDRESS AS STATED IN LIST	The Errors in State- ment upon Voters' List
<i>Insert name as entered on list.</i>		

LIST NO. 3.

(Showing persons whose names ought to have been on Voters' List.)

NAMES OF PERSONS	ADDRESS AS STATED IN LIST	Grounds on Which Such Persons' Names Ought Not to Have Been En- tered on the Voters' List.
<i>Insert name as entered on list.</i>		



THE VOTERS' LISTS ACT, 1926.

VOTER'S NOTICE OF COMPLAINT  
(For use by individual complainants.)

Electoral District of.....  
Complaint as to Voters' List for Polling Subdivision No.....  
in the Municipality of.....  
(Here insert name of municipality)

I,..... a person entered or  
(Full name of complainant)  
entitled to be entered on a voters' list in the above-mentioned municipality  
and electoral district, hereby complain that my name has been omitted  
from the list for the above polling subdivision, and appeal to have it  
entered thereon.

I hereby state and declare that

- (1) I am a British subject by birth.  
(If naturalized, cross out "birth," write in "naturalization" and  
give date of your certificate. Naturalized citizens must bring  
their certificates of naturalization with them when their appeals  
are to be heard.)
- (2) My occupation is.....  
(In case of women, give occupation and also state whether married,  
widowed or single.)
- (3) I have resided in Canada since.....
- (4) I have been living at.....  
(Give present street address, or lot and concession number.)  
since.....  
(If you have moved within last five months, give each address at  
which you have lived in that period and date of moving from each.)

.....  
.....

- (5) I am over 21 years of age.

And take Notice that I intend to apply to the judge in respect thereof,  
pursuant to the statute in that behalf.

Dated this.....day of.....192 .

.....  
(Complainant sign here)

FORM 7.

(Section 16 (3).)

CLERK'S REPORT IN CASE OF APPEALS AND COMPLAINTS TO THE JUDGE.

To His Honour the Judge of the County Court of the County of

The Clerk of the Municipality of reports that the several persons mentioned in column 1 of the subjoined schedule, and no others, have given to him written notice complaining of errors or omissions in the voters' list for the said Municipality for 19 , on the grounds mentioned in column 2 of the said Schedule, and that such notices were received respectively at the dates set down in column 3 of the said schedule.

Dated, etc.

A. B.,  
Clerk of

Schedule.

1	2	3
NAME OF COMPLAINANT	ERRORS OR OMISSIONS COMPLAINED OF	DATE WHEN NOTICE OF COM- PLAINT RECEIVED BY CLERK

1922, c. 4, Form 6.

FORM 8.

(Section 16 (3).)

JUDGE'S ORDER APPOINTING COURT FOR HEARING COMPLAINTS AND APPEALS.

To , Clerk of the Municipality of the

I appoint the of 19 , at the hour of at in the said county, for holding a court to hear and determine the several complaints of errors and omissions in the said voters' list for the Municipality of for 19 .

I direct that the Assessor for the Municipality shall attend the sittings of the said court, and that the assessment roll and the minutes of the Court of Revision for the Municipality for 19 be produced thereat.

Dated day of

19  
Judge C. C.

1922, c. 4, Form 7.

## FORM 9.

(Section 16 (3).)

## NOTICE TO BE POSTED BY CLERK IN HIS OFFICE WITH LIST OF COMPLAINTS.

Notice is hereby given that a court will be held, pursuant to *The Voters' Lists Act*, at \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock, for hearing all complaints made against the voters' list for the Municipality of \_\_\_\_\_ for 19\_\_\_\_, particulars of which complaints are shown in the subjoined schedule.

Dated, etc.

A. B.,  
Clerk of

Schedule.

NAME OF PARTY COMPLAINING	NAME OF PERSON IN RESPECT TO WHOM APPEAL WAS MADE	GROUND OF COMPLAINT ALLEGED

1922, c. 4, Form 8.

## FORM 10.

(Section 16 (3).)

## CLERK'S NOTICE TO PARTY COMPLAINING.

*The Voters' Lists Act.*

You are hereby notified that a court of revision of the voters' list, for the Municipality of \_\_\_\_\_ will be held by the Judge of the County Court of the County of \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock, at which court all complaints will be heard and determined. A list of complaints is posted up in \_\_\_\_\_ and you are hereby required to appear at the court; and take notice, that the Judge may proceed to hear and determine the complaints, whether the parties complaining appear or not.

By order of His Honour the Judge of the County Court of the County of \_\_\_\_\_

Dated \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

To

A person complaining of error in the }  
voters' list.

A. B.,

Clerk of the Municipality \_\_\_\_\_, and  
of the Court.

1922, c. 4, Form 10.

FORM



## FORM 11.

(Section 16 (3).)

## CLERK'S NOTICE TO PARTY COMPLAINED AGAINST.

*The Voters' Lists Act.*

You are hereby notified that a court of the revision of the voters' list, 19 , for the Municipality of , will be held by the Judge of the County Court of the County of , at , on the day of 19 , at o'clock, and you are required to appear at the court, for that has complained that your name is wrongly omitted (or inserted as the case may be) in the said voters' list because (*state matter of complaint concisely*). A list of all complaints lodged is posted up in ; and take notice, that the Judge may proceed to hear and determine the said complaint, whether you appear or not.

By order of His Honour the Judge of the County Court of the County of

To

Entered on voters' list.

A. B.,

Clerk of the said Municipality, and  
of the Court.

1922, c. 4, Form 11.

## FORM 12.

(Section 17 (1).)

SEAL

## SUBPOENA.

ONTARIO:  
County of  
To Wit.

GEORGE THE FIFTH, by the Grace of God, of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, King, Defender of the Faith, Emperor of India.

To

Greeting :

We command you, that, all excuses being laid aside, you be and appear in your proper person before our Judge of our County Court of the County of , at , on the day of 19 , at o'clock in the noon, at a court appointed, and there and then to be held, for hearing complaints of errors in the voters' list for 19 , of the Municipality of the of in the County of , and for revision of the said voters' list, then and there to testify to all and singular those things which you know in a certain matter (*or matters*) of complaint made and now depending before the said Judge, under *The Voters' Lists Act*, wherein one

is

is complainant, and which complaint is to be tried at the said court. (And if the witness is required to produce documents) that you bring with you and produce at the said time and place (Set out the documents to be produced). Herein fail not.

Witness, His Honour  
the day of

, Judge of our said Court at  
, in the year of our Lord 19 .

A. B.,  
Clerk.

1922, c. 4, Form 12.

### FORM 13.

(Section 20 (1).)

#### REPORT OF CLERK WHEN APPLYING FOR CERTIFICATE UNDER SECTION 20.

To the Judge of the County Court of the County of  
I, , Clerk of the Municipality of , in the  
County of , do hereby certify as follows:

That I did, on the day of , 19 , post up, and  
for a period of days next thereafter did keep posted up in a  
conspicuous place in my office at , a correct printed copy of  
the voters' list for the Municipality of for 19  
made in pursuance of *The Voters' Lists Act*, with the certificate required  
by section 10 of the said Act endorsed thereon.

That I did also deliver or transmit by post, by registered letter, or  
by parcel post, registered, the required number of similar printed copies  
of the list, with my certificate endorsed, to each of the persons entitled  
to the same under section 9 of the said Act.

That I did on the day of , 19 , cause to be in-  
serted in the newspaper called the " " published in  
the notice required by section 12 of the said Act.

That no person gave me nor did I receive, within twenty-one days  
after I had posted up the list in my office, any written notice of complaint  
or intention to apply to the Judge in respect to the list.

And to the best of my knowledge and belief, I have complied with  
all the requirements of the said Act, so as to entitle me to apply for  
certified copies under section 20, and I now apply to you to certify the  
requisite number of the copies of the List received by you as being the  
revised list of voters for the municipality of the said  
of for 19 .

.....P.O

Witness my hand this day of , 19 .

Clerk of the Municipality of

.....P.O.

1922, c. 4, Form 13; 1923, c. 3, s. 11.

## FORM 14.

(Section 20 (1).)

## CERTIFICATE WHERE NO COMPLAINTS.

A. B., Clerk of the Municipality of the \_\_\_\_\_, having certified under his hand that no complaint respecting the list of voters for the said Municipality, for the year 19\_\_\_\_, had been received by him within twenty-one days after the first posting up of the same; and on application of the Clerk, I, \_\_\_\_\_, Judge of the County Court of the County of \_\_\_\_\_, in pursuance of the provisions of *The Voters' Lists Act*, certify that the annexed printed lists of voters, being one of the copies received by me from the Clerk, under section 9 of the said Act, is the revised list of voters for the said Municipality for the year 19\_\_\_\_.

Given under my hand at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Judge.

1922, c. 4, Form 14; 1923, c. 3, s. 12.

## FORM 15.

(Section 21 (1-3).)

## CERTIFICATE OF JUDGE WHEN COMPLAINTS HAVE BEEN MADE.

I, \_\_\_\_\_, Judge of the County Court of the County of \_\_\_\_\_, pursuant to section 21 of *The Voters' Lists Act*, do hereby certify that the above (*as the case may be*) is a correct copy of the statement of changes made by me in the list of voters, for the year 19\_\_\_\_, received by me from the Clerk of the Municipality of the \_\_\_\_\_ of \_\_\_\_\_, pursuant to the provisions of the said Act.

Dated at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Judge.

1922, c. 4, Form 15.

## FORM 16.

(Section 21 (4).)

## CERTIFICATE OF JUDGE WHEN COMPLAINTS HAVE BEEN MADE.

I, \_\_\_\_\_, Judge of the County Court of the County of \_\_\_\_\_, pursuant to subsection 4 of section 21 of *The Voters' Lists Act*, do hereby certify that the above (*as the case may be*) is a correct copy of the list of voters for the year 19\_\_\_\_, received by me from the clerk of the municipality of the \_\_\_\_\_ of \_\_\_\_\_, according to my revision and correction thereof, pursuant to the provisions of the said Act.

Dated at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_.

Judge.

1923, c. 3, s. 7 (2).



## FORM 17.

(Section 33 (1).)

## ORDER FOR PAYMENT OF COSTS.

*The Voters' Lists Act.*

In the matter of the voters' list for the Municipality of 19 , on the complaint or appeal of *A. B.*, complaining of the name of *C. D.* being wrongly inserted in the said list (*or, as the case may be, stating in brief the nature of the complaint.*)

On proceedings taken before me I find and adjudge that the name of the said *C. D.* was rightly inserted in the said list (*or was wrongly inserted in the said list*), and order that the said *A. B.* do pay the said *C. D.* his costs occasioned by the said complaint (*or, and order that the said C. D. shall pay the said A. B. his costs incident to the said complaint (or, and order that E. F., the Assessor of the said Municipality, do pay the said A. B. his costs incident to the said complaint (or, as the case may be, stating it in brief), which I fix at the sum of \$*

Dated at , this day of , 19 .

Judge.

1922, c. 4, Form 16.

## FORM 18.

(Section 36.)

## WRIT OF EXECUTION.

In the Division Court in the County of

Whereas on the day of , His Honour,

Judge of the County Court of the County of made his order that *C. D.* should pay to *A. B.* dollars as and for his costs sustained by him on the trial of a complaint against the voters' lists for the Municipality of in the said County, for 19 , (*or as the case may be*) made and prosecuted under the provisions of *The Voters' Lists Act*, which said costs have been fixed and allowed at the said sum. You are hereby required to levy of the goods and chattels of the said *C. D.*, in the said County (not exempt from execution) the said money and your lawful fees, so that you may have the same within thirty days from the date hereof and pay the same over to the Clerk of this Court for the said *A. B.*

Given under the seal of the Court this day of , 19 .

X. Y.,  
Clerk.

To V. W.,  
Bailiff of the said Court.

1922, c. 4, Form 17.

FORM

## FORM 19.

(Section 41 (1).)

## APPLICATION TO JUDGE AGAINST DELINQUENT CLERK.

Pursuant to section 41 of *The Voters' Lists Act*, I, A. B., Clerk of the Peace for the County of \_\_\_\_\_, (or, a person entitled to be entered on the voters' list for the Municipality of \_\_\_\_\_, for 19\_\_\_\_,) hereby inform His Honour the Judge of the County Court of the said County, that C. D., Clerk of the Municipality of \_\_\_\_\_, in the said County, has failed to perform the duties required of him as such Clerk by the said Act, in this, that he has not made out the list of voters for 19\_\_\_\_, for the said Municipality, within thirty days after the final revision and correction of the assessment roll thereof (or, has not delivered or transmitted printed copies of the voters' list for the said Municipality, for 19\_\_\_\_, to \_\_\_\_\_ and \_\_\_\_\_ or to any of them (or, as the case may be, stating in brief the duty not performed), according to the requirements of the Act; and I apply to you to enforce the performance of the duties aforesaid.

Dated at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

A. B.,  
Clerk of the Peace.

1922, c. 4, Form 18.

## FORM 20.

(Section 41 (3).)

## SUMMONS.

*The Voters' Lists Act.*

In the matter of the voters' list for the Municipality of \_\_\_\_\_, in the County of \_\_\_\_\_, for 19\_\_\_\_.

Whereas it appears by the application of A. B., the Clerk of the Peace for the said County, (or, a person entitled to be entered on the said list) made to me, in pursuance of the said Act, that you have failed to perform certain duties required of you by the said Act, in this, that you have not made out the list of voters for 19\_\_\_\_, for the said Municipality, within thirty days after the final revision and correction of the assessment roll thereof (or, as the case may be, following the application); and whereas the said A. B. has applied to me to enforce the performance of the duties aforesaid;

You are hereby required to appear before me at \_\_\_\_\_ in \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at the hour of \_\_\_\_\_, and produce before me the assessment roll for 19\_\_\_\_, for the said Municipality, and any documents in your custody, power or control, relating to the assessment roll, or to the list aforesaid; and submit yourself for examination on oath.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

To C. D.,

Clerk of the Municipality of \_\_\_\_\_

Judge.

1922, c. 4, Form 19.

FORM

## FORM 21.

(Section 75.)

## OATH OF ENUMERATOR PREPARING VOTERS' LISTS IN UNORGANIZED TERRITORY.

I, \_\_\_\_\_, of the \_\_\_\_\_ of \_\_\_\_\_, in the District of \_\_\_\_\_ and Province of \_\_\_\_\_, the Enumerator whose duty it is under *The Voters' Lists Act*: to prepare the voters' lists in and for the Electoral District (or portion of the electoral district, *describing such portion*) of \_\_\_\_\_ in the Province of \_\_\_\_\_ do hereby solemnly swear that I will well and faithfully discharge the duties assigned to me by the said Act without favour or partiality; and that I will in all respects, to the best of my ability, conform to the said Act and to the law. So help me God.

Sworn before me, at the \_\_\_\_\_ of \_\_\_\_\_ in the \_\_\_\_\_ of \_\_\_\_\_, and Province of \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 19 \_\_\_\_\_.

(District or County Judge, or as the case may be.)

1922, c. 4, Form 20.

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SCHEDULE B

1922, Chapter 4—The whole, except section 6

1923, Chapter 3—Sections 2-13, 24.

1924, Chapter 4—Section 2, subsection 1.



## CHAPTER 4.

## An Act to revise and amend the Election Laws.

*Assented to 8th April, 1926.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

## MISCELLANEOUS.

## SHORT TITLE.

**1.**—(1) This Act may be cited as *The Election Act, 1926*, Short title. and shall come into force on the day upon which it receives the Royal Assent.

(2) The Acts and parts of Acts set out in the schedule ~~Repeal.~~ hereto are repealed.

## INTERPRETATION.

**2.** In this Act,—Interpreta-  
tion.

(a) “Board” shall mean election board as constituted under this Act for a county or provisional judicial district; 1920, c. 2, s. 2, cl. (a).

(b) “Candidate at an election” and “candidate” shall mean and include a person elected to serve in the Assembly, and a person who is nominated as a candidate at an election, or is declared by himself or by others to be a candidate, on or after the day of the issue of the writ, or after the dissolution or vacancy in consequence of which the writ has been issued; “Candi-  
date.”

(c) “Corrupt practice” shall mean and include bribery and an act declared to be a corrupt practice by this or any other Act of this Legislature or recognized as such by the common law of Parliament; “Corrupt  
practice.”

(d) “County” shall include district; “County.”

(e) “County Court” shall include a district court; “County  
Court.” R.S.O. 1914, c. 8, s. 2, cls. (a-d).

(f)

- "Election Court." (f) "Election Court" shall mean and include a court constituted under *The Ontario Controverted Elections Act* for the trial of a petition and a summary trial court constituted under that Act; R.S.O. 1914, c. 8, s. 2, cl. (f).
- "Form." (h) "Form" shall mean a form in Schedule A to this Act or prescribed by regulations made under this Act; R.S.O. 1914, c. 8, s. 2, cl. (h).
- "Local municipality." (i) "Local municipality" shall mean and include a city, town, township or village, as the case may be;
- "Official agent." (j) "Official agent" shall mean the agent appointed by a candidate under section 203;
- "Polling list." (k) "Polling list" shall mean the list of voters furnished to a deputy returning officer by the returning officer in accordance with the provisions of this Act; R.S.O. 1914, c. 8, s. 2, cls. (j-l).
- "Prescribed." (l) "Prescribed" shall mean prescribed by this Act or by the regulations made under this Act;
- "Regulations." (m) "Regulations" shall mean regulations made under the authority of this Act. 1920, c. 2, s. 2, cls. (c, d).

## ELECTION BOARD.

Board for every county and district. **3.—**(1) There shall be in every county and in every provisional judicial district a board to be known as the election board.

Disqualification for election. (2) No person who is a member of the board, or has been engaged as a revising officer, in the preparation of the voters' lists to be used at the election, shall be eligible as a candidate at such election. 1920, c. 2, s. 19.

How composed. **4.—**(1) The board shall consist of the officers herein-after mentioned, namely:

In County of York. (a) In the County of York the board shall be composed of the six judges of the county court; *New.*

(b)

(b) In every other county and in every provisional judicial district the board shall be composed of five members as follows: the judge and junior judge of the county or district court, the local registrar of the Supreme Court, the sheriff of the county or district, the clerk of the peace, and where there is no junior judge of the county or district court, the local master of the Supreme Court, or where the local master is also the judge of the county or district, the registrar of deeds, and where there are more registry divisions than one in the county or district such one of the registrars of deeds as may be designated by the remaining members of the board;

In every other county and district.

(c) For the purposes of this section every city shall be taken to form part of the county or district in which it is situate, and the board shall have jurisdiction accordingly. 1923, c. 3, s. 15, (1) cls. (b, c).

City to be part of county or district.

(2) Where there is no local registrar of the Supreme Court, the deputy registrar of the Supreme Court, or the deputy clerk of the Crown, according to seniority of appointment, shall be a member of the board.

When deputy registrar or clerk of the Crown to act.

(3) The judge of the county or district court of the county or district, or in his absence, or in case of his inability to act, or in case of a vacancy in his office, the junior judge, or acting judge of the county or district court, shall be chairman of the board.

Chairman.

(4) In case the judge, or junior or acting judge, is unable to act, and, on account of illness or absence, there is no other person who may act in his place, he may appoint, in writing, some other member of the board as chairman *pro tempore*, or, if he is unable or neglects to do so, the remaining members of the board may elect a chairman from among their own number.

Vacancy in chairman-ship.

(5) The board shall appoint one of their own number or some other person to act as clerk of the board.

Clerk of board in County of York.

(6) Every member of the board, and the clerk, before acting, shall take the prescribed oath before a commissioner for taking affidavits, or a justice of the peace.

Oath of office.

(7) Three members of the board shall form a quorum. 1920, c. 2, s. 20 (2-7).

Quorum.



Where  
vacancy  
in board.

(8) Where there is a vacancy in the membership of the board and there is no official to fill the vacancy or where the number of officials mentioned in clause *b* of subsection 1 is not sufficient to complete the board, the board may elect some fit and proper person, or a sufficient number of such persons, to complete the full membership of the board. 1923, c. 3, s. 16.

Electoral  
district  
containing  
territory  
in more  
than one  
county or  
district.

(9) Subject to the regulations, where an electoral district includes parts of two or more counties or districts, such electoral district shall, for the purposes of this Act, be deemed to form part of the county or district in which the greater part of such electoral district is situate. 1920, c. 2, s. 20, (9).

#### CLERK OF THE CROWN IN CHANCERY.

Appoint-  
ment  
of Clerk of  
Crown in  
Chancery.

5. The Lieutenant-Governor in Council shall appoint a Clerk of the Crown in Chancery, and in case of a vacancy in the office, or of the absence or inability to act of the person so appointed, the Clerk of the Assembly shall be *ex officio* the Clerk of the Crown in Chancery, and the person so appointed, or the Clerk, shall discharge all the duties which by any statute, law or usage, ought to be, or have heretofore been, discharged or performed by the Clerk of the Crown in Chancery. 1920, c. 2, s. 21.

#### CHIEF ELECTION OFFICER.

Appoint-  
ment  
of Chief  
Election  
Officer.

6.—(1) The Lieutenant-Governor in Council shall appoint some person being a barrister of at least ten years' standing at the Bar of Ontario, and a permanent officer of the Legislature or of the Assembly or otherwise employed in the public service, to be Chief Election Officer and may appoint some other person possessing the like qualifications to be Assistant Chief Election Officer. 1920, c. 2, s. 22 (1); *amended*.

Duties.

(2) It shall be the duty of the Chief Election Officer to consult with and advise the boards throughout the Province, and to supervise and instruct the returning officers, deputy returning officers and poll clerks, in the performance of their duties, and where necessary to personally visit and consult with the chairman of the board or the returning officer, with a view to facilitating the preparation of the lists and the carrying out of the provisions of this Act, and the preparation of the lists of voters in territory without municipal organization. 1920, c. 2, s. 22 (2); *amended*.

(3) The Assistant Chief Election Officer may act in the place of the Chief Election Officer at any time and while so acting shall possess the like powers and perform the like duties as the Chief Election Officer. *New.* Powers and duties of Assistant Chief Election Officer.

(4) In cases of emergency for which no provision is made the Chief Election Officer may give such directions as he may deem proper and anything done in compliance with such directions shall not be open to question, but the Chief Election Officer shall immediately give notice of any directions so given by him to any candidate or proposed candidate of whom he has knowledge. 1923, c. 3, s. 17. In cases of emergency.

7. The Clerk of the Crown in Chancery and the Chief Election Officer may provide for such clerical and other assistance as may be necessary in the performance of their duties, and the Lieutenant-Governor in Council may authorize the issue of accountable warrants from time to time for payment of travelling and other expenses, and for remuneration of said officers and of persons employed in the office of the Clerk of the Crown in Chancery and the Chief Election Officer. 1920, c. 2, s. 23. Clerical assistance.

#### EFFECT OF IRREGULARITIES.

8.—(1) No election shall be declared invalid by reason of,—

- (a) any irregularity on the part of the returning officer or in any of the proceedings preliminary to the poll; or Irregularities not affecting result.
- (b) a failure to hold a poll at any place appointed for holding a poll; or
- (c) non-compliance with the provisions of this Act as to the taking of the poll or the counting of the votes, or as to limitations of time; or
- (d) any mistake in the use of the Forms contained in Schedule A;

if it appears to the tribunal having cognizance of the question that the election was conducted in accordance with the principles laid down in this Act, and that such irregularity, failure, non-compliance or mistake did not affect the result of the election. R.S.O. 1914, c. 8, s. 4.

(2) An irregularity in the preparation or revision of any assessment roll or voters' list for a municipality shall not be a ground for questioning the validity of an election or a return under *The Ontario Controverted Elections Act*, or otherwise. 1923, c. 2, s. 2 (5) *part.* Irregularities in assessment roll or voters' list not to affect election.

## ELECTION INTERRUPTED.

Provision  
when elec-  
tion or  
polling is  
not com-  
menced or is  
interrupted.

**9.** If by reason of riot or other emergency, a nomination meeting or the voting at a polling place, is not commenced on the proper day, or is interrupted after being commenced, and before the lawful closing thereof, the returning officer or deputy returning officer, as the case may be, shall hold or resume the election or polling on the following day, at the hour of one o'clock in the afternoon in the case of a nomination meeting and at the hour of eight o'clock in the forenoon in the case of a polling, and continue the same from day to day if necessary, until a fair opportunity for nominating candidates has been given or, in the case of polling, until the poll has been opened without interruption and with free access to voters for eleven hours in all. R.S.O. 1914, c. 8, s. 5; *amended*.

## OATHS AND AFFIDAVITS.

Who may  
take  
affidavits.

**10.**—(1) Except where otherwise provided, any oath or affidavit for the purposes of this Act may be sworn before a justice of the peace, a commissioner for taking affidavits or a notary public. R.S.O., 1914, c. 8, s. 6 (1).

Oaths, who  
to admin-  
ister.

(2) The returning officer and election clerk shall have power to administer any oath required by this Act with respect to the election and the deputy returning officer and poll clerk may administer any oath except such as is required to be administered to the returning officer. R.S.O., 1914, c. 8, s. 6 (1); *amended*.

No charge  
for admin-  
istering  
oaths, etc.

(3) Every person before whom it is herein provided that an oath or affidavit may be taken, shall administer the same gratuitously. R.S.O., 1914, c. 8, s. 6, (3).

## AGENTS.

Certain per-  
sons disqual-  
ified from  
acting as  
agents.

**11.** A person who, by section 16, is disqualified and incompetent to vote, or who within eight years has been found guilty by a competent tribunal of a corrupt practice or reported for a corrupt practice by an election court, shall not act as agent for a candidate at an election; and any person violating this enactment shall incur the same penalty as if he had voted at the election. R.S.O., 1914, c. 8, s. 7.

Penalty.

Right of  
candidates  
to undertake  
duties of  
agent.

**12.** A candidate may himself undertake the duties which any agent of his, except his official agent, might have undertaken, if appointed, or may assist his agent in the performance of such duties, and may be present at any place at which his agent may in pursuance of this Act attend, except at the marking of a ballot under section 100. R.S.O., 1914, c. 8,



**13.** Where in this Act expressions are used requiring or <sup>Non-attendance of agents.</sup> authorizing any act to be done in the presence of the agents of the candidates, the non-attendance of any agent shall not invalidate the act done. R.S.O., 1914, c. 8, s. 9.

#### PERSONS NOMINATED WITHOUT CONSENT.

**14.** Nothing in this Act shall impose any liability upon <sup>Non-liability of person nominated without consent.</sup> any person nominated as a candidate or declared to be a candidate by others without his consent, unless he has afterwards given his assent to such nomination or declaration, or has been elected. R.S.O., 1914, c. 8, s. 10.

#### QUALIFICATION OF CANDIDATE.

**15.** Any person of the full age of twenty-one years and <sup>Who may be candidates.</sup> a British subject by birth or naturalization, resident in Ontario, who is not disqualified by *The Legislative Assembly Act*, or by any other Act, shall be qualified to be a candidate. R.S.O., 1914, c. 8, s. 11; 1919, c. 8, s. 2.

#### QUALIFICATION OF VOTERS.

##### WHO SHALL NOT VOTE.

**16.**—(1) Judges of the Dominion and Provincial Courts, <sup>Who disqualified from voting.</sup> clerks of the peace, Crown attorneys, and police magistrates in cities and towns having a population of 5,000 and over, shall be disqualified and incompetent to vote. 1917, c. 6, s. 2.

(2) If any person mentioned in this section votes, he shall <sup>Penalty.</sup> incur a penalty of \$2,000, and his vote shall be null and void. R.S.O., 1914, c. 8, s. 12 (2).

**17.**—(1) No returning officer or election clerk shall be <sup>Disqualification of certain officers.</sup> entitled to vote; but this provision shall not affect the duty of the returning officer to give a casting vote.

(2) No person shall be entitled to vote who, at any time, <sup>Persons employed by candidates for reward.</sup> before or during the election, has been employed as counsel, agent, solicitor or clerk or in any other capacity by a candidate or by any person at or in reference to the election, or for the purpose of forwarding the same, and who has received or expects to receive, either before, during or after the elec-

tion, from any candidate or from any person, for acting in such capacity, any sum of money, fee, office, place or employment, or any promise, pledge or security therefor.

Saving as to election officers.

(3) The next preceding subsection shall not apply to any person who performs any official duty in connection with the election and who receives the fees to which he is entitled. R.S.O., 1914, c. 8, s. 13.

Disqualification of convicts, insane persons, etc.

**18.** No person shall be entitled to be entered on the voters' list, or shall vote, who is a prisoner in a gaol or prison undergoing punishment for a criminal offence, or is a patient in a hospital for the insane, or is maintained in whole or in part as an inmate receiving charitable support or care in a municipal house of refuge or house of industry. R.S.O., 1914, c. 8, s. 15.

#### WHO MAY VOTE.

Who may vote.

**19.** Subject to the provisions hereinafter contained, in an electoral district in which an election to the Assembly is held, the following persons being entered on the proper polling list, and no others shall be entitled to vote at such election:

Generally.

1. Every man and every woman who, at the time of voting:

- (a) is of the full age of twenty-one years;
- (b) is a British subject;
- (c) is not disqualified under this Act or *The Disqualification Act, 1919*, or otherwise by law prohibited from voting;
- (d) is and has been for a period of twelve months next preceding the day of polling a resident of and domiciled in Canada;
- (e) is and has been for a period of two months next preceding such day a resident of and domiciled in the electoral district,

or in the case of a city divided into two or more electoral districts, or a city parts of which are situated in two or more electoral districts,

(f)

(f) is and has been for a period of one month next preceding such day a resident of and domiciled in the electoral district, and is and has been for a period of two months next preceding such day a resident of and domiciled in such city.

2. Every man and every woman who, at the time of <sup>Soldiers'</sup>franchise tendering a vote,—

(a) is a British subject;

(b) is not qualified to vote under paragraph 1;

(c) is of the full age of twenty-one years;

(d) is not disqualified under this Act or *The Disqualification Act, 1919*, or otherwise by law prohibited from voting;

whether he or she is or is not an Indian, enfranchised or unenfranchised, or of whole, or part Indian blood, and who

(e) served in any country in the naval or military forces of Great Britain or Canada, or of any other British possession, or in the naval or military forces of any of the allies of Great Britain in the late war with Germany; and

(f) is an inmate or patient or employed and resident in any military hospital or institution for the reception, treatment or training of persons who have so served, or in any hospital or institution for the blind or deaf or eleemosynary institution situated in the electoral district,

and there shall be entered on every list prepared under this Act opposite the name of any person so qualified, the letters "S.F." (Soldiers' Franchise).

3. In territory without municipal organization every man and every woman who, at the time of <sup>territory without municipal</sup>franchise tendering a vote:—

(a) is of the full age of twenty-one years;

(b) is a British subject;

(c)



- (c) Is not disqualified under this Act or *The Disqualification Act, 1919*, or otherwise by law prohibited from voting;
- (d) Is and has been for a period of twelve months next preceding the day of polling, a resident of and domiciled in Ontario;
- (e) Is at the time of voting a resident of and domiciled in the electoral district. 1920, c. 2, s. 6; *amended*.

*Change of Residence Within Two Months of Polling.*

Removal  
from one  
electoral  
district to  
another.

**20.**—(1) Notwithstanding anything hereinbefore contained a person who was a resident in, and is entered on the list prepared for any polling subdivision or polling place in an electoral district, or who would have been entitled to be so entered had he remained a resident in such electoral district, and who has removed from such electoral district in the course of his ordinary profession, occupation or calling, and has become a resident of and is domiciled in another electoral district and any person ordinarily resident with such first mentioned persons as a member of his family or household who has so removed with such first mentioned person, shall be entitled to be entered on the list of voters, in such last-mentioned electoral district by the revising officer, or by the judge as the case may be, upon filing with the revising officer, or judge an affidavit (Form 1) and producing such other evidence that he was so entered or entitled to be so entered and that such removal was solely for the purpose of carrying on such profession, occupation or calling, as the revising officer, or judge may deem necessary.

Certificate.

(2) The revising officer, or judge shall give to every person entered upon the list under subsection 1, a certificate in writing (Form 2).

Entry after  
name of  
person so  
added to  
list.

(3) After the name of every person entered on the list under subsection 1, the revising officer, or judge shall write "entered under Statutes 1926, Chap. 4, Sec. 20."

Production  
of certificate  
at poll.

(4) A person whose name is entered on the list under this section shall not be entitled to vote unless at the time of tendering his vote he produces to the deputy returning officer the certificate mentioned in subsection 2. 1920, c. 2.

*Occasional or Temporary Absence.*

**21.** A person may be resident in a municipality within the meaning of this Act, notwithstanding occasional or temporary absence, or absence as

Occasional or temporary absence, when not to disqualify.

- (a) a member of a permanent militia corps enlisted for continuous service, or a member of the active militia;
- (b) serving in the naval or military forces of Canada or Great Britain or of an ally of Great Britain against the King's enemies, or as a nurse or nursing sister, or in any other capacity with such forces;
- (c) a student in attendance at an institution of learning in the Dominion of Canada,

and such absence shall not disentitle him to be entered on any voters' list or to vote. 1920, c. 2, s. 8.

*British Subjects—Naturalization.*

**22.—**(1) A man who was not on the 12th day of April, 1917, a British subject, shall not be entitled to be entered on the list and to vote at an election unless he has since become naturalized as a British subject.

Naturalization of men.

(2) A woman shall be deemed to be a British subject by birth or naturalization within the meaning of this Act, so as to entitle her to vote:—

When women to be deemed British subjects.

- (a) If she was born a British subject and is unmarried or married to a British subject, and has not become a subject of any foreign power or a citizen of any foreign state; or
- (b) If she was naturalized in her own right prior to the 12th day of April, 1917, as a British subject, or if she has since become naturalized under the laws of the Dominion of Canada or of Great Britain, and has not become a subject of any foreign power or a citizen of any foreign state;
- (c) If she has become a British subject by marriage or by the naturalization as a British subject of her parent while she was a minor, and in either case has done nothing to forfeit or lose her status as a British subject, and has obtained a certificate (Form 3) under the signature of a judge of the Supreme Court or of a county or district court,

and

and the seal of the court, or in territory without municipal organization under the signature of the judge of the district court or an inspector of public or separate schools or a police magistrate, or any person appointed by the board for that purpose, certifying that she has personally appeared and has satisfied him that she is of the full age of twenty-one years, has resided in Canada a sufficient length of time and possesses all such requirements as would be necessary to entitle her, if unmarried to become naturalized as a British subject under the laws of the Dominion of Canada; and that she has taken the oath of allegiance to His Majesty, and no woman shall be entitled to be entered on the list of voters or to vote unless so qualified.

Exceptions  
as to  
soldiers'  
franchise.

(3) Subsections 1 and 2 shall not apply to any person qualified to vote under paragraph 2 of section 19. 1920, c. 2, s. 9; *amended*.

*Indians.*

Indians—  
when dis-  
qualified.

**23.**—(1) A person who is an unenfranchised Indian of whole or part Indian blood and residing or having his domicile among Indians, or on an Indian reserve, shall not be entitled to have his name entered on the list of voters or to vote unless such person has served in any country in the naval or military forces of Great Britain or Canada, or of any other British Dominion or possession, or in the naval or military forces of any of the allies of Great Britain in the late war with Germany and her allies.

Special oath.

(2) A person alleged by a candidate or by the representative of a candidate to be an Indian or a person of whole or part Indian blood and disqualified from voting under subsection 1, if required by the candidate or his agent or by the deputy returning officer, shall take one of the following oaths in addition to the oath required to be taken by a voter;

You swear (*or solemnly affirm*) that you are not an Indian or a person having part Indian blood;

*or at his option*

You swear (*or solemnly affirm*) that you are an enfranchised Indian;

*or at his option*

You swear (*or solemnly affirm*) that you do not reside nor is your domicile among Indians or on an Indian reserve;

*or at his option*

You swear (*or solemnly affirm*) that you served against the King's enemies in the late war with Germany and her allies.



(3) The territory included in an Indian reserve shall be deemed territory without municipal organization, and the lists shall be prepared for such reserve in the manner provided by Part IV of *The Voters' Lists Act*. 1920, c. 2, s. 10.

Preparation  
of lists on  
Reserves.

## PROCEEDINGS PRELIMINARY TO ELECTIONS.

### DATES FOR NOMINATION AND POLLING.

**24.**—(1) Where an election is to be held the Lieutenant-Governor in Council may appoint a day, not more than sixty nor less than thirty days after the date of the writs of election for the nomination of candidates and the eleventh day after the nomination day shall be the day on which polling shall take place where a poll is granted. *See* 1920, c. 2, ss. 14, 15.

Appoint-  
ment of day  
for holding.

(2) In the case of a general election the nominations shall be held on one and the same day for all electoral districts and the respective days for the nomination and for the polling shall be stated in the proclamation for the election.

Date to be  
same in all  
electoral  
districts.

(3) The writs for a general election shall be dated on the same day.

Writs to  
bear date on  
same day.

(4) A writ of election shall state the respective days for the nomination and for the polling, and need not name a return day, but shall be returnable forthwith after the execution thereof. R.S.O., 1914, c. 8, s. 23 (2)-(4),

Writs to  
state dates  
of nomina-  
tion and  
polling.

### FORMS, ETC.

*Papers and Forms to be sent by Clerk of Crown in  
Chancery to Returning Officer.*

**25.**—(1) Before any general or other election, the Clerk of the Crown in Chancery shall procure to be printed in conspicuous characters a notice as to secrecy, Form 4, and shall transmit by post to the returning officer of every electoral district, such number of copies as he may deem sufficient to supply every deputy returning officer with five copies, and the deputy returning officer shall post up one copy in a conspicuous place outside the polling place, and one in a conspicuous place within the polling place, and he shall see that they remain so posted up from the opening to the close of the poll.

Notices as  
to secrecy to  
be sent to  
Returning  
Officers  
before  
elections.

Notice may  
be separate.

(2) The notice may be separated from or added to the directions for the guidance of voters in voting (Form 17).

Supply of  
forms by  
King's  
Printer.

(3) The Clerk of the Crown in Chancery shall also procure from the King's Printer the forms, other than the proclamation of the nomination, prescribed by this Act, for each electoral district in sufficient number for the requirements of the election, the label mentioned in subsection 2 of section 146 and such stationery as may be necessary and shall send the same to the returning officer forthwith after the issue of the writ. R.S.O., 1914, c. 8, s. 25.

Supply of  
poll books  
and forms.

**26.** Immediately after the issue of the writ, the Clerk of the Crown in Chancery shall supply the returning officer with a sufficient number of blank poll books, Form 5, for the purposes of the election, having regard to the number of polling places within the electoral district containing the following blank forms:—

1. Commission of deputy returning officer.
2. Oath of deputy returning officer.
3. Commission of poll clerk.
4. Oath of poll clerk.
5. Oath of secrecy.
6. Schedule for "Notes of objections" to ballot papers under section 113.
7. Statement of the poll after counting the ballot papers.
8. Ballot paper account.
9. Oath of deputy returning officer after closing the poll.
10. Oath of poll clerk after closing poll.
11. Certificate of returning officer for outside voters. R.S.O., 1914, c. 8, s. 26; *part*.

Transmis-  
sion to  
returning  
officers of  
copies of  
this Act.

**27.** There shall be transmitted to the returning officer with the writ of election, such number of copies of this Act and of any Acts amending the same, as will be sufficient to supply him and each deputy returning officer with one copy at least; and every copy shall contain an alphabetical index. R.S.O., 1914, c. 8, s. 27.

## RETURNING OFFICERS

**28.** A commission shall not be required for the appointment of a returning officer, but the direction of a writ of election to a person named therein as returning officer shall be a sufficient appointment. Appointment of returning officer. R.S.O., 1914, c. 8, s. 28.

**29.** Every writ of election shall be addressed to some person, being a British subject of the full age of twenty-one years and a resident of the electoral district or of a local municipality any portion of which is included in the electoral district. Writ for elections to whom addressed. R.S.O. 1914, c. 8, s. 29; *amended*.

**30.** If the person to whom the writ is addressed dies or refuses to act, or is absent or incapacitated or unable from any cause to act, the Lieutenant-Governor in Council may appoint some other person to be returning officer. Refusal or incapacity to act. R.S.O., 1914, c. 8, s. 30.

**31.** If a writ has been issued to a person whose appointment is afterwards superseded or to a person in whose stead a returning officer has been appointed under the provisions of the next preceding section, a new writ may be issued or the new returning officer may act under the writ already issued as if the same had been addressed to him, and the validity of the proceedings had ~~or~~ taken under the first appointment shall not be affected by the new appointment; but the new returning officer may appoint a new election clerk and new deputy returning officers, if he thinks fit, in place of the persons, if any, appointed to such offices by the person previously named as returning officer. Where appointment is subsequently superseded. R.S.O., 1914, c. 8, s. 31.

**32.**—(1) None of the persons hereinafter mentioned shall be appointed or shall act as returning officer, deputy returning officer, election clerk or poll clerk,— Persons excluded from being returning officers, etc.

- (a) members of the Executive Council;
- (b) members of the Parliament of Canada or of the Assembly;
- (c) ministers, priests or ecclesiastics under any form or profession of religious faith or worship;
- (d) judges of Dominion or Provincial Courts;
- (e) persons who have served as members of the Assembly in the session next preceding the election, or in the then present session, if the election takes place during a session of the Assembly;

(f)



- (f) persons who have at any time been found guilty by a competent tribunal of or reported by an Election Court for corrupt practices.

**Penalty.**

(2) If any such person acts as returning officer, deputy returning officer, election clerk, or poll clerk, he shall incur a penalty of \$200.

**Validity of election not affected.**

(3) A contravention of this section shall not affect the validity of the election. R.S.O., 1914, c. 8, s. 32.

**Exempted persons.**

**33.** None of the persons hereinafter mentioned shall be obliged to act as returning officer, deputy returning officer, election clerk, or poll clerk,—

- (a) physicians and surgeons;
- (b) millers;
- (c) postmasters;
- (d) persons sixty years of age or upwards;
- (e) persons who have previously served as returning officers. R.S.O., 1914, c. 8, s. 33.

**Penalty for refusal to act.**

**34.** Every person not disqualified by this Act, who refuses to perform the duty of returning officer after having received the writ of election, shall incur a penalty of \$200; unless, having a right to claim the exemption conferred by the next preceding section, he has claimed exemption by letter setting forth the grounds of such exemption and forwarded to the Clerk of the Crown in Chancery within two days next after the receipt of the writ of election. R.S.O., 1914, c. 8, s. 34.

**PROCEEDINGS ON THE RECEIPT OF THE WRIT.****Endorsement on writ.**

**35.** The returning officer shall, on receiving the writ, forthwith endorse thereon the date of its receipt. R.S.O., 1914, c. 8, s. 35.

*Oath of Returning Officer.***Oath of returning officer.**

**36.** The returning officer shall, before the nomination day, take and subscribe the oath (Form 6) and a returning officer who refuses or neglects to take and subscribe the oath, shall incur a penalty of \$40. R.S.O., 1914, c. 8, s. 36.

**Penalty.***Proclamation by Returning Officer.***Proclamation by returning officer.**

**37.**—(1) The returning officer forthwith after the receipt of the writ shall by proclamation under his hand in the English language (Form 7) declare:—

(a)

- (a) the place and time fixed for the nomination of candidates;
- (b) the day on which the poll for taking the votes of the voters is to be held in case a poll is granted;
- (c) the polling places fixed by him and the territorial limits to which they respectively apply;
- (d) the time when and the place where he will add up the number of votes given to the several candidates.

(2) The proclamation shall be posted up in the electoral district at least eight days before the nomination day, neither the last day of posting up nor the nomination day being reckoned. R.S.O., 1914, c. 8, s. 37. When proclamation to be posted up.

**38.** The place for the nomination of candidates shall be the court house, city or town hall or some other public or private building in the most central or the most convenient place for the majority of the voters of the electoral district, and the time appointed for the nomination of candidates shall be from one o'clock until two o'clock in the afternoon of the day fixed for that purpose. R.S.O., 1914, c. 8, s. 38; *amended*. Place of nomination.

**39.**—(1) The proclamation shall be posted up,—

- (a) at every postoffice in the electoral district; and
- (b) at least at one other place in every polling subdivision in the electoral district;
- (c) in a city or town divided into wards, at the city or town hall and in some other public place in each ward in the electoral district;
- (d) in other local municipalities, at the town hall or other place where the meetings of the municipal council are held.

Places of posting up proclamation.

(2) In territory without municipal organization the proclamation shall be posted up in some public place in the neighbourhood of each place at which a poll is to be held. In territory without municipal organization

(3) The proclamation shall be posted up in a conspicuous place and the returning officer may post the same on public or private property as he deems necessary. *New*. May be posted on public or private property

**40.** A returning officer refusing or neglecting to cause the proclamation to be posted up as prescribed by this Act shall incur a penalty of \$200. R.S.O., 1914, c. 8, s. 40. Penalty.

Unforeseen  
delays pro-  
vided for.

**41.**—(1) Where from any cause the proclamation could not be posted up so as to leave the required delay between the posting up and the nomination day or the returning officer is unable to hold the nomination on the day fixed for that purpose, he may by proclamation under his hand fix another day for the nomination which shall be the nearest day practicable, after allowing the required delay between the posting up of the proclamation and the nomination day.

Form of  
proclama-  
tion.

(2) The proclamation shall be in the like form and shall be posted up in the like manner as provided in section 37. R.S.O., 1914, c. 8, s. 41 (1), (2).

Polling  
day.

(3) The polling day shall be the eleventh day after nomination day. 1920, c. 2, s. 14.

Postpone-  
ment, report  
as to cause.

(4) The returning officer shall, with his return, make to the Clerk of the Crown in Chancery, a report of the cause which occasioned the postponement of the election. R.S.O., 1914, c. 8, s. 41 (4).

Communica-  
tion with  
Pelee Island  
and Amherst  
Island may  
be by  
telephone.

**42.** Where an election for an electoral district of which Pelee Island or Amherst Island forms part is to be held between the months of October and April, and the Lieutenant-Governor in Council is satisfied that communication and travel between Pelee Island or Amherst Island and the mainland is likely to be dangerous or to be interrupted he may direct that all necessary instructions and information relating to the election be transmitted by telephone, including information as to the number of votes given for each candidate and as to all other matters relating to the election, so as to enable the returning officer to return the candidate having the majority, or to make such other return as the case requires; and the Lieutenant-Governor in Council may make such order for carrying out the provisions of this section as to him may seem proper. R.S.O., 1914, c. 8, s. 42,

#### *Election Clerk.*

Appoint-  
ment of an  
election  
clerk.

**43.**—(1) The returning officer, by a commission under his hand (Form 8), shall, before nomination day, appoint a person having the like qualifications as are required in the case of a returning officer to be his election clerk. R.S.O., 1914, c. 8, s. 43 (1); *amended*.

Case of  
death or  
default of  
election  
clerk pro-  
vided for.

(2) The returning officer may at any time during the election in the same manner appoint another election clerk if the one so appointed dies or refuses or neglects or is unable to perform his duties.

Duties of  
election  
clerk.

(3) The election clerk shall assist the returning officer in the performance of his duties and, if the returning officer dies or refuses or is disqualified or unable to perform his duties and has not been replaced by another, shall act in his stead as returning officer. R.S.O., 1914, c. 8, s. 43 (2, 3).



**44.** The election clerk shall, before entering upon his duties, take and subscribe the oath (Form 9). R.S.O., 1914, c. 8, s. 44. Oath of election clerk.

**45.** A person appointed election clerk, who refuses to accept the office, or who, having accepted it, refuses or neglects to take and subscribe the oath, or to perform the duties of an election clerk, shall incur a penalty of \$40. R.S.O., 1914, c. 8, s. 45. Penalty for refusing to act.

**46.** The appointment and oath of an election clerk shall be either endorsed on or attached to the writ. R.S.O., 1914, c. 8, s. 46. Appointment and oath to be on writ.

**47.** An election clerk whose duty it becomes to act in the stead of the returning officer shall be subject to the same penalties as the returning officer for his neglect or refusal to perform the duties and to all the obligations of that office in like manner as if he had been appointed returning officer, and shall not be required to possess any other qualification or to take the oath (Form 6). R.S.O. 1914, c. 8, s. 47. Duties and liabilities when acting as returning officer.

#### *Ballot Boxes.*

**48** —(1) The returning officer shall, on receiving the writ, provide as many ballot boxes as there are polling places within the electoral district. Ballot boxes to be furnished.

(2) The ballot box shall be made of durable material, provided with lock and key, and so constructed that the ballot paper can be deposited therein, and cannot be withdrawn without unlocking the box. How made.

(3) If the returning officer fails to provide the ballot boxes, he shall incur a penalty of \$100 in respect of every ballot box which he fails to provide. R.S.O., 1914, c. 8, s. 48. Penalty on failure to furnish boxes.

**49.** The property in the ballot boxes, ballot papers, marking instruments, books, papers and documents procured for or used at an election, shall be in His Majesty. R.S.O., 1914, c. 8, s. 49. Property of the Crown.

**50.** Where it becomes necessary to use the ballot boxes, the returning officer, two days at least before the polling day, shall deliver one ballot box to every deputy returning officer. R.S.O., 1914, c. 8, s. 50. Delivery of ballot boxes to deputy returning officers.

**51.** A deputy returning officer who has not been supplied with a ballot box within the time prescribed in the next preceding section, shall forthwith procure one to be made. R.S.O., 1914, c. 8, s. 51. Duty of deputy returning officer as to ballot box.

Return of  
ballot boxes  
to municipal  
clerks and  
clerk of  
peace.

**52.** After the close of the election the returning officer shall deliver the ballot boxes used in the election to the several clerks of the municipalities in the electoral district and to the clerk of the peace in the case of territory without municipal organization, and the boxes shall be preserved by them for use at future elections. R.S.O., 1914, c. 8, s. 52.

### *Polling Subdivisions.*

When returning  
officer  
to make  
division.

**53.**—(1) In the case of failure of the council to divide a municipality into polling subdivisions, the returning officer shall make the division. R.S.O., 1914, c. 8, s. 53 (1); *amended*.

When  
council  
has divided  
municipality

(2) Where the council has divided the municipality into polling subdivisions the returning officer shall not be required to make any change in the boundaries of a polling subdivision. R.S.O., 1914, c. 8, s. 53 (2); 1923, c. 3, s. 18.

### *Polling Places.*

Polling  
places in  
each polling  
subdivision.

**54.**—(1) Subject to the provisions of subsection 3 of this section, and sections 55 and 56, the returning officer, on receiving the writ, shall fix and provide at least one polling place for each polling subdivision in the most central or most convenient place for the voters. R.S.O., 1914, c. 8, s. 54 (1); 1923, c. 3, s. 19.

(a) Where the board approves, such polling place may be provided outside the limits of the polling subdivision. 1923, c. 3, s. 19.

Additional  
polling  
places in  
discretion of  
returning  
officer.

(2) A returning officer may in his discretion, grant such additional polling places in any polling subdivision as the extent of the subdivision and the remoteness of any body of its voters from the polling place render necessary. R.S.O., 1914, c. 8, s. 54 (2).

Union of  
polling sub-  
divisions  
in cities.

(3) The returning officer may unite two or more adjoining polling subdivisions and fix one polling place for the united subdivisions. R.S.O., 1914, c. 8, s. 54 (3); 1923, c. 3, s. 20.

Polling  
place not to  
be a tavern.

(5) The building in which the poll is held shall not be a tavern or place of public entertainment; and there shall be free access to the poll for every voter. R.S.O., 1914, c. 8, s. 54 (5).

(6) Where a polling subdivision contains a greater number of voters than may conveniently vote at one polling place, the returning officer, with the approval of the board, may provide one or more additional polling places in the same building or near to one another, having regard to the total number of voters in the polling subdivision. 1923, c. 3, s. 21; *amended*.

Additional  
polling  
places.

(7) Where there are two or more polling places in a subdivision each polling place shall be designated by the initial letters of the surnames of the voters who are to vote in such polling place, in the following manner, that is to say, from A to M inclusive, and from N to Z inclusive, or as may be determined by the returning officer.

Division to  
be according  
to initial  
letter of  
voters'  
names.

(8) Every voter the initial letter of whose surname is included within the letters of the alphabet designating a polling place shall vote in the polling place so designated. R.S.O., 1914, c. 8, s. 54 (7, 8).

Where  
voters  
to vote.

(9) The returning officer shall appoint a deputy returning officer for each such polling place, and deliver to him in due time a polling list to be prepared by the clerk of the peace or the clerk of the municipality as the case may be in the manner hereinafter provided, containing the names of all voters on the proper list of voters for the polling subdivision. R.S.O., 1914, c. 8, s. 54, (9); *amended*.

Appoint-  
ment of  
deputies  
for addi-  
tional poll-  
ing places.

(10) Where a village has been incorporated including portions of two townships lying in different electoral districts, the board of the county or district in which the village or the larger part of the village is situate shall divide the village into two polling subdivisions and shall include the territory in each electoral district in a polling subdivision, and the board may give such directions to the clerk of the village as it may deem necessary for the separating of the names of the voters in one polling subdivision from the names of voters in the other and for distinguishing between the two classes of names in the voters' list of the village, and the clerk of the peace shall prepare a separate polling list for each of such polling subdivisions. 1923, c. 3, s. 22.

Where  
village  
includes  
portions of  
two town-  
ships in  
different  
electoral  
districts.

**55.**—(1) The returning officer shall provide a proper building or buildings for polling places in every polling subdivision for use at the election and shall see that the same is furnished with light and heat and such other accommodation and furniture as may be required.

Returning  
officer to  
provide  
polling  
places.



Where  
polling  
places  
may be  
situate.

(2) A polling place may be situate in a school house, hall or other public building or on private property, or the returning officer may purchase or construct tents or portable booths or moveable structures and without charge may set up or erect the same in any street, lane or vacant lot.

Approval  
of board.

(3) The places so provided shall in all cases be subject to the approval of the board.

Amount  
payable  
for polling  
places.

(4) The sum of \$8 for every building or part of a building used as a polling place and an additional sum of \$4 for every additional polling place situate in the same building shall be payable by the returning officer to the persons entitled thereto.

### *Polling Places at Soldiers' Hospitals.*

Polling  
places on  
premises of  
hospitals,  
etc.

**56.**—(1) Wherever in any electoral district there is situate a home or hospital or other institution for the reception, treatment or vocational training of disabled soldiers or sailors, a polling place shall be provided in such institution or upon the premises, and for the purpose of polling the institution shall be deemed to be a polling place and every inmate or other person resident in such institution, who is entered on the polling list, shall vote at such polling place.

Incapaci-  
tated  
patients or  
inmates.

(2) Where a patient or other inmate of such institution is bed-ridden or is unable to walk, it shall be lawful for the deputy returning officer, and poll clerk with the candidates or their agents to attend upon such person for the purpose of receiving his ballot, but a candidate shall not be present where the ballot of any such voter is marked under section 98. 1920, c. 2, s. 11; *amended*.

### *Voting Compartments.*

Compartment  
for  
voters to  
mark ballots

**57.** Every polling place shall be furnished with compartments in which a voter may mark his ballot paper without any other person being able to see how the same is marked; and it shall be the duty of the returning officer and the deputy returning officer respectively to see that a sufficient number of compartments is provided at each polling place. R.S.O. 1914, c. 8, s. 55; *amended*.

## NOMINATION.

### PROCEDURE BY RETURNING OFFICER.

Proceedings  
of the  
returning  
officer on  
the day of  
nomination.

**58.**—(1) The returning officer, at the time and place fixed for the nominations shall, in the English language, make or cause to be made, in the presence of the voters there assembled, a proclamation (Form 11), and read or cause to be read publicly, the writ of election, and his commission as return-

ing

ing officer when he has been appointed by commission, and shall then call for nominations or further nominations to be made in writing in the manner hereinafter set out. R.S.O., 1914, c. 8, s. 56; 1914, c. 5, s. 13.

(2) The nomination shall be by writing (Form 10), signed by at least one hundred duly qualified electors of the electoral district, and stating the name, residence and legal addition, occupation or description of the person proposed in such manner as sufficiently to identify him. A person shall be deemed to be a duly qualified elector if he is qualified to be entered on the list of voters as entitled to vote at the election. 1914, c. 5, s. 13, *part; amended*. Nomination to be in writing.

(3) Each candidate shall be nominated by a separate nomination paper. A duly qualified elector may sign the nomination paper of different candidates. Separately for each candidate.

(4) The nomination paper may be produced to and filed with the returning officer at the time and place fixed by the proclamation, or on either of the two days next preceding that on which the meeting for the nomination of candidates is to be held. When to be filed.

(5) The nomination paper shall be accompanied by the consent in writing of the person therein nominated, except where such person is absent from Ontario, when such absence shall be stated in the nomination paper. Consent of candidate in writing.

(6) Where the nomination paper is filed with the returning officer not later than half-past one of the clock in the afternoon on the day fixed by the proclamation for holding the nomination meeting by the candidate or his agent, he shall, if requested, then and there examine the same, and if satisfied of the regularity thereof and that it is signed by the proper number of duly qualified electors, he shall so certify in writing, and his certificate shall be final and the validity of the nomination shall not be open to question upon any ground whatever. 1914, c. 5, s. 13; *part*. Certificate of returning officer as to regularity.

#### WHEN POLL TO BE GRANTED

**59.** If more candidates than are required to be elected are nominated the returning officer shall grant a poll for taking the votes, and if he refuses or neglects to do so he shall incur a penalty of \$1,000, and if he declares any candidate to be elected the election shall be void. R.S.O., 1914, c. 8, s. 57; *amended*. Grant of poll.

#### ELECTION BY ACCLAMATION.

**60.** If no more candidates are nominated than are required to be elected, or if by the withdrawal of persons nominated there remain no more candidates than are required to be elected, the returning officer, at the expiration of the If only one candidate proposed within an hour, he to be declared elected.

time in which nominations may be received shall close the election, and openly proclaim the person or persons so chosen to be duly elected. R.S.O., 1914, c. 8, s. 58; *amended*.

#### OFFICIAL AGENTS OF CANDIDATES.

Returning officer to publish names and addresses of agents.

**61.** The returning officer shall announce at the place and on the day of nomination and on or immediately after the day of nomination, shall publish, at the expense of the candidates, the names and addresses of their official agents in a newspaper, published or circulated within the electoral district. R.S.O., 1914, c. 8, s. 59.

#### WITHDRAWAL OF CANDIDATES.

Withdrawal of candidate after nomination.

**62.**—(1) A candidate may withdraw at any time after his nomination and before the opening of the poll, by delivering to the returning officer a declaration in writing (Form 12), to that effect signed by himself in the presence of a subscribing witness, and any votes cast for a candidate who has so withdrawn shall be null and void, and if, after the withdrawal, there remain but one candidate, the returning officer shall return as duly elected the candidate so remaining. R.S.O. 1914, c. 8, s. 60; *amended*.

Withdrawal of candidate.

(2) In the case of a candidate withdrawing where there are more than two candidates, the returning officer shall, if possible, cause every deputy returning officer to be notified forthwith of the withdrawal and notice of the withdrawal shall be posted up in a conspicuous place in every polling place in the electoral district. *New*.

#### DEATH OF CANDIDATE.

Death of candidate.

**63.** If a candidate dies after being nominated and before the close of the poll, the returning officer shall fix new days for the nomination of candidates, and for polling, and the nomination day shall be the nearest day practicable, after allowing the required delay between the posting up of the proclamation and the nomination day, and, with his return, he shall make to the Clerk of the Crown in Chancery a report of the cause which occasioned the postponement of the election. R.S.O. 1914, c. 8, s. 61.

#### PROCLAMATION OF NAMES OF DEPUTY RETURNING OFFICERS.

Returning officer to proclaim names of deputy returning officers.

**64.** Where a poll has been granted, the returning officer, immediately after having granted a poll, and before adjourning his proceedings, shall publicly proclaim at the place of nomination as far as practicable the names of the deputy returning officers, and shall on the written request of a candidate furnish him with a list of the deputy returning officers showing the polling place at which each deputy returning officer is to act. R.S.O. 1914, c. 8, s. 62; *amended*.

#### POLLING.



## POLLING.

## PROCEEDINGS PRELIMINARY TO THE POLL.

*Deputy Returning Officers.*

**65.**—(1) The returning officer by a commission under his hand (Form 13), shall appoint a deputy returning officer for every polling place.

Appointment of deputy returning officers.

(2) No person shall be so appointed who is not a voter in the local municipality wherein the polling place for which he is appointed is situate, or, in the case of territory without municipal organization, who is not a voter in the electoral district. R.S.O. 1914, c. 8, s. 63.

Deputy returning officer to be a voter in local municipality

**66.** Every deputy returning officer, before acting, shall take and subscribe the oath (Form 14). R.S.O. 1914, c. 8, s. 64.

Oath of office, etc.

**67.** A person appointed a deputy returning officer who refuses to accept the office, or who, after having accepted it, refuses or neglects to take and subscribe the oath or to perform the duties of a deputy returning officer, shall incur a penalty of \$100. R.S.O. 1914, c. 8, s. 65.

Penalty for refusing to perform duties of office.

**68.** In case of the death, illness or absence of a deputy returning officer or of his refusal or neglect to act, the returning officer may, in the manner hereinbefore provided, appoint another deputy returning officer to act in his stead; and the appointment and oath of the person so appointed shall be endorsed upon or attached to the poll book. R.S.O. 1914, c. 8, s. 66.

Death or absence of deputy returning officer.

*Polling Places in Unorganized Territory.*

**69.** In territory without municipal organization, polls shall be held at such places as may be fixed by the chief enumerator, subject to the approval of the board. R.S.O. 1914, c. 8, s. 67; 1920, c. 2, s. 50 (1); 1922, c. 4, s. 78.

Polling places in districts.

**70.** Territory comprised within a newly organized municipality for which there is no assessment roll shall be deemed to be territory without municipal organization within the meaning of the next preceding section. R.S.O. 1914, c. 8, s. 68.

Municipality without assessment roll.

*Materials to be furnished to Deputy Returning Officer.*

**71.** The returning officer shall deliver to each deputy returning officer, two days at least before the polling day, a blank poll book, forms of oaths to be administered to voters, envelopes and sealing-wax, and a screen, if one is required. R.S.O. 1914, c. 8, s. 69.

Supplies to be furnished by returning officer

*Ballot Papers.*

Returning officer to see to printing of ballots.

**72.**—(1) The returning officer shall procure to be printed on the paper furnished to him, as hereinafter provided, a sufficient number of ballot papers, not being less than the total number of voters in the electoral district.

Form of ballot.

(2) The names of the candidates, alphabetically arranged in the order of their surnames, shall be printed on the ballot paper, and it shall be provided with a counterfoil and a stub, and there shall be a line of perforations between the ballot and the counterfoil and between the counterfoil and the stub, the whole as in Form 16. R.S.O. 1914, c. 8, s. 70 (1), (2).

Weight of paper.

(3) The paper used for printing the ballot papers shall be of the following weight; if foolscap paper is used, it shall be of a weight of not less than sixteen pounds to the ream; if large post paper is used, it shall be of a weight of not less than twenty-five pounds to the ream. R.S.O., 1914, c. 8, s. 70 (4).

Paper furnished by King's Printer.

(4) The paper required for the printing of the ballot papers shall be furnished to the Clerk of the Crown in Chancery by the King's Printer and shall be supplied to the returning officer by the Clerk of the Crown in Chancery when the writ for the election is transmitted to him, or as soon thereafter as possible. R.S.O., 1914, c. 8, s. 70, (5); *amended*.

Numbering of ballot papers.

(5) The ballot papers shall be numbered on the back of the stub and the counterfoil, the same number being printed or written on the stub as on the counterfoil, and shall be bound or stitched in books containing twenty-five, fifty, or one hundred ballot papers, as may be most suitable for supplying the polling subdivisions proportionately to the number of voters in each.

Uniformity.

(6) All ballot papers shall be of the same description and as nearly alike as possible. R.S.O., 1914, c. 8, s. 70, (6, 7).

Printer's name.

(7) The ballot papers shall bear upon the back the name of the printer who prints them. R.S.O., 1914 c. 8, s. 70, (8); *amended*.

Affidavit of printer.

(8) The printer shall with the ballot papers deliver to the returning officer, an affidavit (Form 15). R.S.O. 1914, c. 8, s. 70 (9).

Supply to deputy returning officer.

**73.** The returning officer shall furnish each deputy returning officer with a sufficient number of ballot papers to supply the voters on the polling list of his polling place or polling subdivision, and a certificate of the number of ballot papers with the necessary materials for voters to mark their ballot papers. R.S.O. 1914, c. 8, s. 71 (1).

**74.** The returning officer shall furnish each deputy returning officer with at least three copies of the printed directions (Form 17), for the guidance of voters in voting, and the deputy returning officer shall, before or at the opening of the poll, on the day of polling, cause such printed directions to be posted up in conspicuous places outside of the polling place, and also in each compartment of the polling place. R.S.O. 1914, c. 8, s. 72; *amended*.

Copies of directions to voters for deputy returning officers.

*Preparation of Polling Lists by Clerk of the Peace.*

**75.**—(1) Every returning officer upon granting a poll shall forthwith obtain from the clerk of the peace a sufficient number of copies of the polling list for each polling subdivision in the electoral district to provide one copy for the use of the returning officer, one copy for each of the deputy returning officers and six copies for each of the candidates at the election, and the polling list shall contain the names of all persons qualified to vote at the election in that polling subdivision and no other and the returning officer shall immediately cause the polling lists and copies to be delivered to the deputy returning officers and candidates respectively. 1923, c. 3, s. 23; *amended*.

Polling lists.

- (a) Except where the Chief Election Officer otherwise directs the clerk of the peace shall cause the polling lists prepared by him to be printed on one side of the paper only, and the polling list for each polling subdivision shall contain in one list the names of all persons qualified to vote at the election in that polling subdivision arranged in alphabetical order or according to street numbers where the council has so directed as provided in *The Voters' Lists Act*. *New*.

(2) Where a returning officer, instead of subdividing a polling subdivision, provides additional polling places he shall obtain from the clerk of the peace as many polling lists as may be necessary for such additional polling places. R.S.O. 1914, c. 8, s. 78 (2); *amended*.

Lists for additional polling places.

**76.** The clerk of the peace shall add to each polling list a certificate that it contains the names of all persons appearing according to the proper voters' list to be entitled to vote at the election in that polling subdivision or at that polling place and no other names. R.S.O. 1914, c. 8, s. 80 (1); *amended*.

Certificate of clerk of peace.

*Poll Clerks.*

**77.**—(1) The deputy returning officer shall by a commission under his hand (Form 18), appoint a poll clerk to assist him in taking the poll; and the poll clerk before acting, shall take and subscribe the oath (Form 19).

Appointment of poll clerks.



**Penalty.**

(2) Every person appointed poll clerk who refuses to accept the office, or who, after having accepted it refuses or neglects either to take and subscribe the oath or to perform the duties of a poll clerk, shall incur a penalty of \$40.

**Poll clerk to be a voter in local municipality**

(3) No person shall be appointed poll clerk who is not a voter in the local municipality wherein the polling place to which he is appointed is situate, or, in the case of territory without municipal organization, who is not a voter in the electoral district. R.S.O., 1914, c. 8, s. 81.

**Duties of poll clerk.**

**78.** The poll clerk shall assist the deputy returning officer in the performance of the duties of his office, and shall obey his orders. R.S.O., 1914, c. 8, s. 82.

**To act as deputy returning officer in certain cases.**

**79.** If the deputy returning officer refuses or neglects to perform the duties of his office, or from any cause becomes unable to perform them, and if no other deputy returning officer appointed by the returning officer appears at the polling place the poll clerk, under the same penalties as are hereinbefore imposed in like cases on a deputy returning officer, shall act as deputy returning officer, and perform all the duties and be subject to all the obligations of that office, without taking the oath of a deputy returning officer. R.S.O., 1914, c. 8, s. 83.

**Appointment of another poll clerk in such case.**

**80.** Where a poll clerk acts as deputy returning officer he may appoint by a commission under his hand, (Form 18), another person as poll clerk, to assist him in the performance of the duties of his office, and may administer to him the oath, and such commission and oath shall be endorsed on or attached to the poll book. R.S.O., 1914, c. 8, s. 84.

**Appointment of poll clerk in certain cases.**

**81.** If a poll clerk refuses or neglects to perform the duties of his office or from any cause becomes unable to perform them, the deputy returning officer may appoint another person as poll clerk, and the commission and the oath shall be endorsed on or attached to the poll book. R.S.O., 1914, c. 8, s. 85.

*Constables.*

**Constable at polling place.**

**82.** The deputy returning officer may appoint a constable to preserve order at the polling place, but such appointment shall not be made unless the same has been authorized in writing by the returning officer or a breach of the peace or a violation of the law is threatened or anticipated. R.S.O., 1914, c. 8, s. 86; *amended*.

*Where*

*Where Voters to Vote.*

**83.**—(1) Subject to the provisions of the next succeeding section, if the name of a person entitled to vote is entered on the polling list for more than one polling subdivision he shall vote only at the polling place for the subdivision in which he resides at the time of the polling, if entitled to vote in such subdivision. R.S.O. 1914, c. 8, s. 87 (1); *amended*.

Voter to vote in subdivision in which he resides.

(2) Subject to the provisions of the next succeeding section, where a voters' list has been prepared under Part IV of *The Voters' Lists Act*, every person named therein may vote at the polling place on the list for which he is entered and not elsewhere.

Where voter to vote in unorganized territory.

(3) A person who votes in contravention of this section shall incur a penalty of \$200. R.S.O. 1914, c. 8, s. 78 (2, 3).

Penalty.

**84.**—(1) The returning officer, on the request of any person entitled to vote, who has been appointed deputy returning officer or poll clerk, or agent of any of the candidates at a polling place other than the one at which he is entitled to vote, shall give to such person a certificate (Form 20), that he is entitled to vote at the polling place at which he is stationed during the polling day, and the certificate shall bear the date upon which it is signed by the returning officer.

Deputy poll clerk and agents may vote at polling places where they are employed.

(2) The returning officer shall not give such certificate until he has ascertained by reference to the polling list that the applicant is entitled to vote and after giving such certificate he shall forthwith give notice in writing thereof to the deputy returning officer for the polling subdivision or polling place in which the applicant appears by the polling list to be entitled to vote, and the person to whom the certificate has been given shall not thereafter be entitled to vote in such polling subdivision or polling place. R.S.O., 1914, c. 8, s. 88 (1, 2).

When certificate for that purpose may be given.

(3) The returning officer shall not be required to give a certificate under this section unless requested to do so at least two days before polling day. R.S.O., 1914, c. 8, s. 88, (3); *amended*.

At what time.

(4) The certificate shall name the polling place at which the person is to be permitted to vote.

Polling place to be designated.

(5) The returning officer shall enter in a list the name, residence and occupation of every person to whom he gives a certificate under this section, the polling place at which such person is under the certificate authorized to vote, and the polling subdivision or polling place in or at which such

Returning officer to keep a list of persons obtaining certificates.

person appears by the polling list to be entitled to vote and state therein whether the certificate is granted to him as deputy returning officer, poll clerk or agent, and if as agent, the name of the candidate for whom he is agent, and the entry shall be made before the certificate is delivered.

Entry of  
refusal of  
certificate.

(6) The returning officer shall also enter in the list the name of every person applying for a certificate to whom it was refused with the ground of refusal, and, if the last mentioned person claimed to be the agent of a candidate the name of the candidate, and the list shall be open to inspection by a candidate or by his agent or by a voter.

Limitation  
of number  
of certificates  
to agents of  
candidates.

(7) A returning officer shall not give certificates to more than two agents of the same candidate at one polling place and he shall not give a certificate under this section except upon the personal or written request of the applicant, and a returning officer who gives a certificate in contravention of this subsection shall incur a penalty of \$400. R.S.O., 1914, c. 8, s. 88 (4-7).

On produc-  
tion of cer-  
tificate of  
returning  
officer.

**85.**—(1) On the production of the certificate the voter shall have the right to vote at the polling place named therein; but the certificate shall not entitle a voter to vote there unless he has been actually engaged there as deputy returning officer, poll clerk, or agent during polling day, or entitle an agent to vote who is disqualified under section 17.

Person re-  
ceiving a  
certificate  
to take oath  
of qualifica-  
tion before  
voting.

(2) A person who receives a certificate whether a deputy returning officer, poll clerk or agent, shall not vote until he has taken one or other of the oaths of qualification, and any person violating the provisions of this subsection shall incur a penalty of \$400; and every vote cast in contravention of this subsection shall be null and void.

Before  
whom oath  
to be taken.

(3) The oath shall be administered to a deputy returning officer by the poll clerk, and to a poll clerk or agent by the deputy returning officer.

Entry on list  
of persons  
voting  
under  
authority  
of a cer-  
tificate.

(4) The deputy returning officer shall enter, or cause to be entered in the column for remarks in the poll book (Form 5), opposite the name, residence and occupation of every person, including himself if he so votes, voting under the authority of a certificate, the words "Voted under certificate."

Certificate  
to be de-  
livered to  
deputy  
returning  
officer  
by person  
voting.

(5) A person voting under the authority of a certificate shall deliver it to the deputy returning officer before receiving his ballot paper.

Preservation.

(6) The deputy returning officer shall enclose all certificates in one envelope. R.S.O., 1914, c. 8, s. 89.



## THE POLL.

*Hours of Polling.*

**86.**—(1) Subject to the provisions of subsection 2 the polls at every election to the Assembly shall open at eight o'clock in the forenoon and shall be kept open until seven o'clock in the afternoon of the same day and the voting shall be by ballot in the manner provided by this Act. 1920, c. 2, s. 16 (1); *amended*.

(2) Where the board deems it desirable for the convenience of workmen or of persons residing at a distance from the place at which their ordinary calling or business is carried on, that the polls should be opened in any municipality or electoral district at an earlier hour than eight o'clock in the forenoon the board may direct that the polls shall be opened in such municipality or electoral district at any time earlier than eight o'clock, but not earlier than six o'clock in the forenoon as the board may deem expedient. 1920, c. 2, s. 16 (2); *amended*.

Hours of  
polling  
generally.

When board  
may  
provide  
for earlier  
opening.

*Special Polls for Railway Employees, Sailors and Travellers.*

**87.**—(1) The Lieutenant-Governor in Council may by order declare that the following subsections of this section shall apply to any electoral district or to any municipality in an electoral district and thereafter, and while the order remains in force, polls shall be provided at an election to the Assembly or the voting upon any question submitted to the electors of Ontario for receiving the votes of railway employees, sailors and travellers whose employment is such as to necessitate their absence from time to time from their ordinary place of residence, or who have reason to believe that they will be absent upon the day fixed for polling at such election or upon such question. 1919, c. 17, s. 14 (1); *amended*.

Special polls  
for railway  
employees,  
travellers  
and sailors.

(2) For the purpose of enabling such railway employees, sailors and travellers to vote, polls shall be held and kept open from two o'clock in the afternoon until five o'clock in the afternoon and from seven o'clock in the afternoon until ten o'clock in the afternoon on the Thursday, Friday and Saturday of the week preceding that in which the poll is held. *New*.

When polls  
to be open.

(3) The Lieutenant-Governor in Council shall fix the number of polls to be so opened in the electoral district or municipality and the returning officer shall fix the polling places and shall appoint a deputy returning officer and poll clerk to hold each poll.

Number of  
polls and  
appointment  
of officers.

**Notice  
of polls.**

(4) Notice of the times and places at which polls shall be opened shall be given by the returning officer at least one week prior to the first day so fixed by advertisement in a newspaper published in the electoral district or municipality and by posting up notices at each of the polling places so appointed.

**Furnishing  
necessary  
material  
and supplies.**

(5) Ballot boxes and ballot papers and a certified voters' list containing all the printed lists for the electoral district or so many as may be required for the purpose of the poll shall be supplied by the returning officer to the deputy returning officer together with poll books, forms of oath and other documents required for the purpose of the polls. 1919, c. 7, s. 14 (3-5).

**Declaration  
by voter.**

(6) Every person offering himself as a voter at the polling place before being allowed to vote shall be required by the deputy returning officer to make the following declaration, which shall be kept by the deputy returning officer with the other records of the poll:

I, \_\_\_\_\_, declare that I am at present employed by the \_\_\_\_\_ railway company, (*or as the case may be*) and that I expect in the course of my employment to be absent from my usual place of residence on the day for holding the poll at the coming election,

Dated at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 19. \_\_\_\_\_  
(Name of Voter)

Witness:  
Deputy Returning Officer.

1919, c. 7, s. 14 (6); *amended*.

**Penalty.**

(7) Any person signing any such declaration knowing that the statements therein are false shall incur a penalty of not less than \$25 nor more than \$100. 1919, c. 7, s. 14 (7).

**Record of  
declaration.**

(8) The poll clerk shall record in the poll book in the column headed "Remarks" after the name of each person who votes a note that he has signed the declaration above set out and the number of the polling subdivision in which he is entered on the voters' list. 1919, c. 7, s. 14 (8); *amended*.

**Voter's  
name must  
be on list.**

(9) No person shall be entitled to vote unless his name appears on the last revised voters' list for the electoral district.

**Voter may  
be sworn.**

(10) The deputy returning officer and every candidate or his agent may require that the voter, before being handed a ballot, take the proper oath to be administered to a voter. 1919, c. 7, s. 14 (9, 10).

**Procedure  
after close  
of poll.**

(11) The ballot box shall not be opened after the opening of the poll until seven o'clock in the afternoon of the general polling day, but on adjourning the poll each day the deputy returning officer and any candidate or agent present who

desires

desires to do so shall affix his seal to the ballot box in such a manner that it cannot be opened or any ballot be deposited in it without breaking such seals. 1919, c. 7, s. 14 (11); *amended*.

(12) At the close of the poll the deputy returning officer shall forthwith make up and deliver to the returning officer a list of the names of all persons who have voted showing in each case the number of the polling subdivision in which the voter is entered on the voters' list, and the returning officer shall, at the request of any candidate, furnish him with a copy of such list. *New*.

List of persons who voted to be sent to returning officer.

(13) On polling day the deputy returning officer shall in the presence of such candidates and their agents who may be present at the hour fixed for the closing of the poll open the ballot boxes, count the votes and perform all the other duties required of deputy returning officers by this Act, sections 111 to 118, inclusive. 1919, c. 7, s. 14 (12).

Opening ballot boxes and counting ballots.

### *Voting by Ballot.*

**88.** The votes shall be given by ballot. R.S.O., 1914, c. 8,

Voting to be by ballot.

### *Procedure at Poll.*

**89.**—(1) The deputy returning officer shall attend at the polling place at least fifteen minutes before the hour fixed for opening the poll.

Attendance of deputy returning officer.

(2) During such fifteen minutes, agents and voters entitled to be present in the polling place during polling hours shall be entitled to have the ballot papers intended for use thereat counted in their presence before the opening of the poll, and to inspect such ballot papers, and all other papers, forms and documents relating to the poll. R.S.O., 1914, c. 8, s. 92.

Counting ballots before opening of poll.

**90.** The deputy returning officer shall, immediately before opening the poll, shew the ballot box to such persons as are present in the polling place, so that they may see that it is empty; and he shall then lock the box, and place his seal upon it in such a manner as to prevent its being opened without breaking the seal; and he shall then place and shall keep the box on a desk, counter or table or otherwise so that it is raised above the floor in full view of all present and shall keep the box so locked and sealed. R.S.O., 1914, c. 8, s. 93.

Deputy to show box empty, and lock and seal it.

**91.** Not more than one voter for each compartment shall at any one time enter the room where the poll is held, and each voter upon so entering shall declare his name, place of residence and occupation, which particulars shall be entered in the poll book by the poll clerk, a consecutive number being prefixed to the name. R.S.O., 1914, c. 8, s. 94.

One voter only for each compartment.



Persons on polling list to be allowed to vote on taking oath if required.

**92.** Subject to the provisions of sections 85 and 93, the deputy returning officer shall not receive the vote of any person whose name is not entered on the polling list, but shall receive the vote of every person whose name is entered thereon, if such person, where required by a candidate, or his agent, or by the deputy returning officer takes the oath (Forms 21-25). R.S.O., 1914, c. 8, s. 95; *part amended*.

Application of section.

**93.**—(1) The following provisions of this section shall apply in the case of a polling subdivision in a township or village and in a town having a population of not more than 3,500 according to the last Dominion census, provided that such polling subdivision is not within five miles of a city having a population of 100,000 or over.

Omission of name from polling list—voting when vouched for.

(2) The deputy returning officer, if required by any person whose name is not on the polling list and who is vouched for by an elector whose name is upon the polling list and who is resident in such polling subdivision, shall administer to such person an oath in the following form,—

You swear that your name is (*full name of applicant*), that you reside at (*give street number, lot, concession, etc.*) and that your name as you verily believe has been omitted in error from the polling list. So help you God.

and to such other person the deputy returning officer shall administer an oath in the following form,—

You swear that your name is (*full name of voter*), that you reside at (*give street number, lot, concession, etc.*) and that you are the person named by the said name on the polling list.

That you well know (*insert name of applicant*) and that he is as you believe duly qualified to be entered on the polling list and to vote at this election. So help you God.

Voter to take oath.

(3) The deputy returning officer shall then administer to the applicant the proper oath to be administered to voters, Forms 21, 22 and 23 (leaving out paragraph 1 in this oath) and shall cause the applicant's name to be added to the polling list with the word "sworn" written thereafter.

Right to vote after taking oath.

(4) The applicant upon taking the oath and being so vouched for shall be entitled to vote. *New*.

Administration of oath to deputy returning officer voting at his polling place.

**94.** If a deputy returning officer votes at the polling place at which he has been appointed to act, the poll clerk or in his absence the agent of a candidate authorized to be present may administer to him the oath to be taken by a voter. R.S.O., 1914, c. 8, s. 96.

When deputy returning officer to swear voter.

**95.**—(1) Where a deputy returning officer has reason to believe that a person offering to vote is not a qualified voter or has already voted, or tenders his vote under a false name or designation or personates or represents himself falsely as

being

being upon the polling list, the deputy returning officer shall administer the prescribed oath to the voter, whether he has been required to do so or not. Penalty.

(2) A deputy returning officer who acts in contravention of this section shall incur a penalty of \$200. R.S.O., 1914, c. 8, s. 97.

**96.** Every person who is entitled to vote shall receive from the deputy returning officer a ballot paper on the back of which the deputy returning officer has previously put his initials so placed as indicated in Form 16 that when the ballot is folded they can be seen without opening it, and on the back of the counterfoil of which he has placed a number corresponding to that placed opposite the voter's name in the poll book. R.S.O., 1914, c. 8, s. 98. Deputy to put initials on back of ballot paper and number on counterfoil.

**97.** The deputy returning officer shall, upon request of the voter, instruct him how to mark and fold his ballot paper, but without inquiring or seeing for whom he intends to vote except in the cases provided for by section 98. R.S.O., 1914, c. 8, s. 99. Instructions to voter.

**98.**—(1) The deputy returning officer, on the application of any voter who is unable to read or is incapacitated by blindness or other physical cause from voting in the manner prescribed by this Act, shall assist such voter by marking his ballot paper in the manner directed by such voter, in the presence of the poll clerk and of the agents of the candidates, or of the voters representing the candidates in the polling place, and of no other person. Voter incapacitated by blindness, etc.

(2) The deputy returning officer shall require the voter making such application, before voting, to take before him the oath (Form 26). Oath.

(3) The deputy returning officer shall enter in the column for remarks in the poll book opposite the voter's name, the reason why such ballot paper was marked by him. R.S.O., 1914, c. 8, s. 100. Entry in poll book.

**99.**—(1) Where a voter does not understand the English language the deputy returning officer may employ an interpreter to translate the oath as well as any lawful questions necessarily put to the voter, and his answers; and the interpreter shall take the oath following: Voters who cannot speak English.

"I swear (or affirm) that I will faithfully translate such oaths, declarations, questions and answers as the deputy returning officer shall require me to translate at this election: So help me God."

(2) If no such interpreter is found or presents himself at the polling place the voter shall not be allowed to vote. R.S.O., 1914, c. 8, s. 101. If no interpreter, no vote.

Mode of marking, folding and depositing ballot paper.

**100.** The voter on receiving his ballot paper shall forthwith proceed into one of the compartments of the polling place, and there mark his ballot paper, making a cross with a black lead pencil within the white space containing the name of the candidate, or within the white spaces containing the names of the candidates for whom he intends to vote, and shall then fold the ballot paper so that the initials on the back of it and the number on the counterfoil can be seen without opening it, and hand it to the deputy returning officer, who shall, without unfolding it, ascertain by examining his initials, and the number on the counterfoil, that it is the same ballot paper that he furnished to the voter, and shall then, in full view of all present, including the voter, remove the counterfoil and tear up or otherwise destroy it and place the ballot paper in the ballot box. R.S.O., 1914, c. 8, s. 102.

Entries to be made in poll book as to voters.

**101.** The poll clerk shall enter in the poll book opposite the name of each voter voting the word "Voted" as soon as the ballot paper has been deposited in the ballot box, and shall enter in the same book the word "Sworn" or "Affirmed" opposite the name of each voter to whom the oath has been administered, and the words "Refused to be sworn" or "Refused to affirm" opposite the name of each voter who has refused to take any oath when he has been required so to do. R.S.O., 1914, c. 8, s. 103.

Voter refusing to be sworn.

**102.**—(1) A person who has refused to take the oath when required so to do, shall not receive a ballot paper or vote; and the vote of such person if taken and received shall be null and void.

Penalty for receiving such vote.

(2) A deputy returning officer who receives such vote or causes the same to be received, shall incur a penalty of \$200. R.S.O., 1914, c. 8, s. 104.

Voter to leave as soon as possible.

**103.** The voter shall vote without undue delay, and shall leave the polling place so soon as his ballot paper has been placed in the ballot box. R.S.O., 1914, c. 8, s. 105.

Exclusion from ballot-ing compartment.

**104.** While a voter is in a compartment for the purpose of marking his ballot paper no other person shall be allowed to enter the compartment, or to be in a position from which he can see for whom the voter marks his ballot paper. R.S.O., 1914, c. 8, s. 106.

Voter not to take his paper from polling place, etc.

**105.** A person who has received a ballot paper shall not take it out of the polling place; and a person who receives a ballot paper, and leaves the polling place without delivering it to the deputy returning officer, or returns his ballot paper declining to vote, shall forfeit his right to vote, and the

deputy



deputy returning officer shall make an entry in the poll book in the column for remarks, to the effect that such person received a ballot paper, but took it out of the polling place, or returned it declining to vote, as the case may be, and in the latter case the deputy returning officer shall immediately write the word "Declined" upon the ballot paper, and shall preserve it to be returned to the returning officer. R.S.O., 1914, c. 8, s. 107.

**106.**—(1) If a person representing himself to be a voter applies for a ballot paper after another person has voted as such voter, he shall be entitled to receive a ballot paper and to vote after taking the oath, and otherwise establishing his identity to the satisfaction of the deputy returning officer.

Voter who alleges he has been personated.

(2) The deputy returning officer shall put on the back of the ballot paper his initials and a number corresponding to the number entered on the poll book opposite the name of the voter.

Initials and number to be put on back.

(3) The name of the voter shall be entered on the poll book, and a note shall be made of his having voted on a second ballot paper, and of the fact of the oath having been taken and of any objections made on behalf of any and of which of the candidates. R.S.O., 1914, c. 8, s. 108.

Name of voter, etc., to be entered in poll book.

**107.** A voter who has inadvertently dealt with his ballot paper in such a manner that it cannot be conveniently used shall, upon returning it to the deputy returning officer, be entitled to obtain another ballot paper, and the deputy returning officer shall immediately write the word "Cancelled" upon the first mentioned ballot paper and preserve it to be returned to the returning officer. R.S.O., 1914, c. 8, s. 109.

Where ballot paper accidentally spoilt.

**108.** A person who applies for a ballot paper shall by so doing be deemed to have tendered his vote or to have offered to vote; and a person who has placed or caused to be placed his ballot paper in the ballot box, or has delivered it to the deputy returning officer or poll clerk for the purpose of having it placed in the ballot box shall be deemed to have voted. R.S.O., 1914, c. 8, s. 110.

What shall be deemed a tender of a vote and a voting.

**109.**—(1) In addition to the deputy returning officer, the poll clerk, the constable or constables, the candidates and their agents, not exceeding two in number for each candidate, and, in the absence of agents, two voters to represent each candidate on the request of such voters, and no others shall be permitted to remain in the polling place during the time the poll remains open and at the counting of the votes.

Who may be in polling place.

Right of  
authorized  
agent.

(2) An agent bearing a written authorization from the candidate shall always be entitled to represent him in preference to, and to the exclusion of any two voters who might otherwise claim the right of representing such candidate. R.S.O., 1914, c. 8, s. 111.

Right of  
employee to  
time for  
voting.

**110.** A voter entitled to vote within a city or town shall, on the day of polling, be entitled to absent himself for the purpose of voting from any service or employment in which he is then engaged or employed, from the hour of noon until the hour of two of the clock next thereafter, or from the hour of four o'clock in the afternoon until the hour of six o'clock next thereafter, and a voter shall not, because of his so absenting himself, be liable to any penalty, or suffer or incur any reduction from the wages or compensation to which but for his absence he would have been entitled, but this section shall not apply where a voter is by his employer permitted or allowed at any other period during the hours of polling, reasonable and sufficient time and opportunity to vote. R.S.O., 1914, c. 8, s. 112; 1920, c. 2, s. 16 (4).

Proviso.

#### PROCEEDINGS AFTER CLOSE OF THE POLL.

Duties of  
deputy  
returning  
officer after  
close of poll.

**111.** Immediately after the close of the poll, the deputy returning officer shall first place all the cancelled and declined ballot papers in separate envelopes and seal them up, and shall then count the number of voters whose names appear by the poll book to have voted, and make an entry thereof on the line immediately below the name of the voter who voted last, thus:—*The number of voters who voted at this election in this polling place is (stating the number),* and he shall sign his name thereto; then, in the presence and in full view of the persons entitled to be present, he shall open the ballot box and proceed to count the number of votes for each candidate, giving full opportunity to those present to examine each ballot paper. R.S.O., 1914, c. 8, s. 113.

What ballot  
papers to  
be rejected  
in counting  
votes.

**112.** In counting the votes the deputy returning officer shall reject all ballot papers, herein called "Rejected ballot papers,"

- (a) which have not been supplied by him; or
- (b) by which votes have been given for more candidates than are to be elected; or,
- (c) upon which there is any writing or mark by which the voter can be identified, other than the number placed thereon by the deputy returning officer in the case provided for by section 106;

but no word, letter or mark written or made or omitted to be written or made by the deputy returning officer on a ballot

paper, shall avoid the same or warrant its rejection. R.S.O., 1914, c. 8, s. 114.

**113.**—(1) The deputy returning officer shall make a note of every objection taken to a ballot paper, by a candidate, or his agent or a voter present, and shall decide the objection subject to review on recount or on petition questioning the election or return. <sup>Objections to be noted—</sup>

(2) Each objection shall be numbered, and a corresponding number placed on the back of the ballot paper and initialled by the deputy returning officer. <sup>And numbered and initialled.</sup> R.S.O., 1914, c. 8, s. 115.

**114.**—(1) All the ballot papers not rejected by the deputy returning officer shall be counted and an account kept of the number of ballots cast for each candidate, and of the number of rejected and cancelled ballot papers, and all the ballot papers indicating the votes given for each candidate respectively shall be put into a separate envelope. <sup>How ballots to be counted.</sup>

(2) All rejected and unused ballot papers respectively, shall be put into separate envelopes, which shall be endorsed so as to indicate their contents, and shall be sealed by the deputy returning officer, and any agent present may write his signature across the flap of the envelope and may also affix his seal. <sup>Ballot papers to be put into parcels under seal.</sup> R.S.O., 1914, c. 8, s. 116.

**115.**—(1) The deputy returning officer shall make out a statement in triplicate (Form 27), one part to remain attached to the poll book, another to be retained by him, and the third to be enclosed by him in a special envelope supplied for the purpose, which he shall seal and deposit in the ballot box. <sup>Statement of result to be made by deputy returning officer.</sup>

(2) The statement shall forthwith be signed by the deputy returning officer and poll clerk and such of the candidates or their agents as may be present, and may desire to sign it. <sup>Signatures to statement.</sup> R.S.O., 1914, c. 8, s. 117 (1-2).

(3) The deputy returning officer shall then deliver to each of the candidates, or to their agents, or, in the absence of the candidates, and agents, to the voters present representing the candidates, a certificate (Form 28), of the number of ballots cast for each candidate, and of the number of rejected ballot papers. <sup>Certificate of result of poll.</sup> R.S.O., 1914, c. 8, s. 117 (3); *amended.*

**116.** The poll clerk, immediately after the completion of the counting of the votes, shall take and subscribe the oath (Form 29). <sup>Oath of poll clerk.</sup> R.S.O., 1914, c. 8, s. 118.



Poll book,  
envelope, etc.,  
to be placed  
in large  
envelope in  
ballot box.

**117.** The poll book, the polling list, the envelopes containing the ballot papers, and all other documents which served at the election shall then be placed in the large envelope supplied for the purpose, which shall then be sealed and placed in the ballot box. R.S.O., 1914, c. 8, s. 119.

Ballot box  
may be for-  
warded by  
registered  
post.

**118.**—(1) The deputy returning officer shall then immediately lock and seal the box, and forthwith deliver it personally to the returning officer, and if he is unable to do so owing to illness or other imperative cause, he shall deliver it to the poll clerk, or where the poll clerk is unable to act, to some person chosen by the deputy returning officer for the purpose of delivering it to the returning officer, and shall thereon or on a ticket attached thereto write the name of the person to whom the box has been delivered, and shall take a receipt therefor, and the poll clerk or person so chosen shall forthwith personally deliver the ballot box to the returning officer and shall take before him, the oath (Form 30). R.S.O., 1914, c. 8, s. 120, (1).

Ballot box  
may be for-  
warded by  
registered  
post.

(2) In lieu of the proceedings provided by subsection 1 after locking and sealing the ballot box the deputy returning officer may forward the same by registered post to the returning officer. *New.*

Oath of  
deputy  
returning  
officer.

(3) Forthwith thereafter the deputy returning officer shall take and subscribe the oath (Form 31), and shall personally deliver or transmit it by registered post to the returning officer. R.S.O., 1914, c. 8, s. 120 (2).

Duty of  
returning  
officer  
on receipt  
of boxes.

**119.** The returning officer upon the receipt by him of any ballot box shall take every precaution for its safe keeping and for preventing any other person than himself and the election clerk from having access to it, and shall immediately on the receipt of each box seal it with his own seal in such a way that it cannot be opened without his seal being broken, and without effacing or covering the seals affixed thereto. R.S.O., 1914, c. 8, s. 121.

Count by  
returning  
officer and  
declaration  
of result.

**120.** The returning officer at the place, day and hour appointed by his proclamation, and after having received all the ballot boxes, shall open them, and the large envelope containing the poll books, but not any of the other sealed envelopes except the one containing the statement of the poll, and shall in the presence of the election clerk and of the candidates or their representatives if present add up the votes given for each candidate from the statements of the poll contained in the ballot boxes, and shall forthwith declare to be elected the candidate having the largest number of votes. R.S.O., 1914, c. 8, s. 122.

**121.** Where, on the addition of votes by the returning officer, an equality of votes is found to exist between any two or more candidates, and an additional vote would entitle any of them to be declared elected, the returning officer shall give the additional or casting vote. R.S.O., 1914, c. 8, s. 123.

PROCEEDINGS IN CASE OF NON-RETURN OF BALLOT BOXES, ETC.

**122.** If the ballot boxes are not all returned on the day fixed for adding up the votes, the returning officer shall adjourn the proceedings to a subsequent day, which shall not be more than a week later than the day originally fixed. R.S.O., 1914, c. 8, s. 124.

**123.** If any deputy returning officer has not enclosed in the ballot box the statement of the ballot papers counted by him as required by this Act, or if for any other cause, the returning officer cannot, at the day and hour appointed by him for adding up the votes, ascertain the number of votes given for each candidate, he may adjourn to a future day and hour the adding up of the votes, and so from time to time, such adjournment or adjournments not in the aggregate to exceed two weeks. R.S.O., 1914, c. 8, s. 125.

**124.** If the ballot boxes or any of them have been destroyed or lost, or, for any other reason, are not forthcoming by the time fixed for adding up the votes, the returning officer shall ascertain the cause and shall procure from each deputy returning officer whose ballot box is missing, or from any other person having them, the statements and certificates of the number of votes given for each candidate or copies of them, the whole to be verified by oath. R.S.O., 1914, c. 8, s. 126.

**125.** If the statements and certificates, or any of them, or copies of them, cannot be procured, the returning officer shall ascertain by such evidence as he is able to obtain, the total number of votes given for each candidate at the several polling places; and may summon any deputy returning officer, poll clerk, or other person, to appear before him at a time and place to be named by him, with all necessary papers and documents, of which time and place and of the intended proceedings the candidates shall have notice; and the returning officer may examine on oath such deputy returning officer, poll clerk, or other person, respecting the matter in question. R.S.O., 1914, c. 8, s. 127.

**126.** In case of an adjournment by reason of any deputy returning officer not having placed in the ballot box, a statement of the ballot papers counted by him, the returning officer shall, in the meantime, use all reasonable efforts to ascertain the number of votes given for each candidate at the polling place of such deputy returning officer, and shall

have the powers conferred by the next preceding section. R.S.O., 1914, c. 8, s. 128.

Special  
report by  
returning  
officer.

**127.** The returning officer shall return the candidate having the largest number of votes, and shall mention specially in a report to be sent with the return the circumstances accompanying the disappearance of the ballot boxes, or the want of any statement, and the mode by which he ascertained the number of votes given for each candidate. R.S.O., 1914, c. 8, s. 129.

#### RECOUNT OR FINAL ADDITION BY COUNTY JUDGE.

'Judge,'—  
meaning of.

**128.**—(1) In this section and in sections 129 to 141 "judge" shall mean the judge of the county or district court and where there are two or more judges the senior judge, or a junior judge, in case of the illness or absence of the senior judge or where the senior judge requests him to act. *New.*

Where  
recount  
may be had.

(2) If within four days after that on which the returning officer has made addition of the votes for the purpose of declaring any candidate elected, upon the application of a candidate or a voter, it is made to appear by affidavit to the judge of the county court of the county in which the electoral district or any part of it is situate that a deputy returning officer has in counting the votes,

- (a) improperly counted any ballot paper;
- (b) improperly rejected any ballot paper;
- (c) made an incorrect statement of the number of ballots cast for any candidate; or
- (d) that the returning officer has improperly added up the votes.

Deposit by  
applicant.

and if the applicant deposits within that time with the clerk of the county court the sum of \$100 in legal tender, or in the bills of any chartered bank doing business in Canada, as security for the costs, in connection with the recount or final addition, of the candidate appearing by the addition to be elected, the judge may appoint a time and place to recount or finally add up the votes cast at the election.

What judge  
to hold re-  
count when  
district in  
two or more  
counties.

(3) Where an electoral district comprises parts of two or more counties the application shall be made to and the recount or final addition shall take place before the judge of the county court of the county having the larger or largest population according to the last Dominion census. R.S.O., 1914, c. 8, s. 130.

Notice of  
time and  
place of  
recount.

**129.** At least two days' notice in writing of the time and place appointed shall be given to the candidates and to the returning officer and the election clerk, and the judge may



at the time of the application or afterwards, direct that service of the notice upon the candidates, the returning officer, and the election clerk, may be substitutional, or may be made by mail, or in such other manner as he thinks fit. R.S.O., 1914, c. 8, s. 131.

**130.** The returning officer after the receipt of the notice shall delay making his return to the Clerk of the Crown in Chancery until he receives a certificate from the judge of the result of the recount or final addition, and upon receipt of the certificate shall make his return. R.S.O., 1914, c. 8, s. 132. Returning officer to withhold return.

**131.** The judge may require the clerk of the county court to be present at the time and place appointed. R.S.O., 1914, c. 8, s. 133. Presence of county court clerk.

**132.**—(1) The returning officer and his election clerk shall attend at the time and place appointed with the envelope containing the ballot papers, or the original statements of the poll, as the case may be. Summoning officers to be present with documents.

(2) The ballot papers and original statements shall continue in the custody of the returning officer, and he shall be responsible for them, subject to any direction which the judge may give in respect thereto. R.S.O., 1914, c. 8, s. 134. Production and custody of ballot papers on a recount.

**133.**—(1) The returning officer and the election clerk shall be present at the recount or final addition, and each candidate shall be entitled to be represented by not more than three agents, and may himself be present. Who to be present at recount.

(2) Where a candidate is not represented, any three voters who declare their desire to attend on his behalf, shall be entitled to attend. If candidate not represented.

(3) Except with the sanction of the judge, no other person shall be present. R.S.O., 1914, c. 8, s. 135. Authority of judge.

**134.** At the time and place appointed, and in the presence of such of the persons mentioned in the next preceding section as are present, the judge shall make such final addition from the statements contained in the ballot boxes returned by the deputy returning officers, or recount all the votes or ballot papers returned by the several deputy returning officers, as the case may be, and shall, in the latter case, open all the sealed envelopes containing, Procedure by judge.

(a) the used ballot papers which have been counted;

(b) the rejected ballot papers;

(c)

- (c) the cancelled ballot papers;
- (d) the declined ballot papers;
- (e) the unused ballot papers.

R.S.O., 1914, c. 8, s. 136.

Recount to  
be proceeded  
with con-  
tinuously.

**135.**—(1) The judge shall, as far as practicable, proceed continuously, allowing only time for refreshment, and excluding, except so far as he and the persons present agree, the hours between six o'clock in the afternoon and nine in the succeeding forenoon.

Care of  
documents  
during  
proceedings.

(2) During such excluded time and time for refreshment the judge shall place the ballot papers and other documents relating to the election close under his own seal and the seals of such of the persons present as desire to affix their seals, and shall otherwise take all necessary precautions for the security of such papers and documents. R.S.O., 1914, c. 8, s. 137.

Rules to  
govern  
judge in  
proceedings.

**136.** The judge shall, in the case of a recount, proceed according to the rules for the counting of the ballot papers at the close of the poll by a deputy returning officer, and shall verify and correct the statement of the poll (Form 27). R.S.O., 1914, c. 8, s. 138.

Sealing up  
ballots at  
close of  
recount.

**137.**—(1) Upon the completion of the recount the judge shall seal up all the ballot papers in their separate envelopes, and upon the completion of a final addition he shall seal up the original statements in their respective envelopes.

Distinguish-  
ing disputed  
ballots.

(2) Where either party requests him to do so the judge shall number on the back the disputed ballots and enclose them in a separate envelope. R.S.O., 1914, c. 8, s. 139.

Reviewing  
decision of  
returning  
officer when  
ballot box or  
documents  
missing.

**138.**—(1) The judge shall, if necessary or required, review the decision of the returning officer with respect to the number of votes given for a candidate at any polling place, where the ballot box used was not forthcoming when he made his decision, or when the proper statements or papers were not found therein.

Powers of  
judge.

(2) For the purpose of arriving at the facts, the judge shall have all the powers of the returning officer with regard to the attendance and examination of witnesses or he may act upon the evidence taken by the returning officer. R.S.O., 1914, c. 8, s. 140.

When judge  
to send in  
certificate.

**139.**—(1) The judge shall delay sending his certificate to the returning officer for two days after the completion of the recount or final addition in order to allow of an appeal as hereinafter provided.

(2) If no notice of appeal is given to the judge within two days after the completion of the recount or final addition, the judge shall certify the result to the returning officer forthwith, who shall then forthwith declare to be elected the candidate having the largest number of votes. When declaration of result to be given.

(3) In case of an equality of votes, the returning officer shall give the casting vote. R.S.O., 1914, c. 8, s. 141. Casting vote if judge certifies equality of votes.

**140.**—(1) The costs of the recount or final addition shall be in the discretion of the judge who may order by whom, to whom, and in what manner the same shall be paid. Costs.

(2) The judge shall tax the costs, and shall, as nearly as may be, follow the tariff of costs with respect to proceedings in the county court. R.S.O., 1914, c. 8, s. 142. Taxing and allowing costs.

**141.** Where costs are directed to be paid by the applicant, the moneys deposited as security for costs shall be paid out to the party entitled thereto, so far as necessary, and if the deposit is insufficient, execution may issue out of the county court upon the judge's order for the balance. R.S.O., 1914, c. 8, s. 143. Deposit, disposal of. Recovery of costs if deposit not sufficient.

#### *Appeal from Decision on Recount or Final Addition.*

**142.**—(1) If a party desires to appeal from the decision of the judge he may do so on giving notice in writing to the opposite party and to the judge of his intention to appeal within two days after the completion of the recount or final addition, and he may by the notice limit the appeal to specified ballots. Appeal from decision of judge on recount.

(2) The notice may be served upon the opposite party personally, or upon the solicitor who acted for him upon the recount or final addition personally or at his office, or as a judge of the Appellate Division may direct. Service of notice of appeal.

(3) Where the appeal is limited, the judge of the county court shall seal up the ballots which are the subject of appeal in a separate packet and shall forward them together with the notice and a certificate showing his findings as to the ballots in dispute by registered post to the registrar of the Appellate Division, but if the appeal is not limited the judge shall forward all the ballot papers and other papers to the registrar, and in either case he shall await the result of the appeal before sending his certificate to the returning officer. Ballots, etc., to be forwarded to registrar of Appellate Division.

(4) The judge shall upon request allow each party to make a copy of the certificate of his findings before it is forwarded to the registrar of the Appellate Division. Allowing copy of certificate of judge.



Appointment for hearing of appeal.

(5) On receipt of the ballot papers and notice the registrar shall forthwith obtain an appointment from a judge of the Appellate Division for hearing the appeal and shall notify the parties or their solicitors of the time so appointed.

When appeal may be heard.

(6) The time appointed for hearing the appeal shall not be more than four days from the date of the appointment.

Procedure on hearing of appeal; certificate of result.

(7) At the time appointed the judge of the Appellate Division shall recount the ballot papers or such of them as are the subject of appeal, or review the final addition as the case may be, and shall forthwith certify his decision to the judge of the county court, whose duty it shall be to conform to the decision, and to certify the result without delay to the returning officer.

Costs of appeal.

(8) The judge of the Appellate Division may direct by and to whom the costs of the appeal shall be paid. R.S.O., 1914, c. 8, s. 144.

#### ELECTION RETURN.

When return to be made.

**143.**—(1) The returning officer shall immediately after the sixth day after the final addition by him of the number of votes given for each candidate, unless before that time he receives notice that he is required to attend before a judge for the purpose of a recount or final addition of the votes given at the election, and where there has been a recount or final addition, immediately after the receipt of the certificate of the result, transmit his return (Form 32), to the Clerk of the Crown in Chancery that the candidate having the largest number of votes has been duly elected, and shall forward to each of the candidates a duplicate or copy thereof.

Report by returning officer.

(2) The returning officer shall accompany his return to the Clerk of the Crown in Chancery with a report of his proceedings, in which he shall make any observations he thinks proper as to the state of the ballot boxes or ballot papers as received by him. R.S.O., 1914, c. 8, s. 145.

Returning officer to transmit to Clerk of the Crown in Chancery the ballot papers, etc.

**144.**—(1) The returning officer shall at the same time transmit to the Clerk of the Crown in Chancery, enclosed in a box or other covering, sealed with the seal of the returning officer, the writ, the list mentioned in subsection 5 of section 84, all the envelopes containing ballot papers in his possession, declarations of inability to read or to mark, poll books and all other documents sent to him by the deputy returning officers.

(2) The returning officer shall endorse on the package a description of its contents, and the date of the election to which they relate, and also the name of the electoral district for which the election was held, and shall affix to the outside of the package a label showing distinctly the electoral district to which the contents relate and the date of the election.

Endorsement thereon.

(3) The package shall be sent by express or by registered post.

How to be sent.

(4) An affidavit (Form 33), shall be made by the returning officer forthwith after transmitting his return, and shall be forthwith transmitted by him to the Clerk of the Crown in Chancery, by registered post. R.S.O., 1914, c. 8, s. 146.

Oath of returning officer after transmitting return.

#### FAILURE TO MAKE RETURN.

**145.**—(1) If a returning officer wilfully delays, neglects or refuses,

Application to compel returning officer to add up votes, make return, etc.

(a) to add up the votes;

(b) to declare to be elected the candidate having the largest number of votes;

(c) to give his casting vote where he is by law required to do so; or

(d) to make the return as required by this Act of the candidate having the largest number of votes;

the person aggrieved or any voter who voted at the election may apply to a judge of the Supreme Court for a mandamus commanding the returning officer to perform the duty which he is shewn to have omitted.

(2) The notice shall be served upon the returning officer and upon any person who was a candidate at the election.

Notice of application.

(3) In other respects the provisions of *The Judicature Act* and of the rules made thereunder shall apply to such application.

Application of Rev. Stat., c. 56 and rules.

(4) Nothing in this section shall affect or impair any other right or remedy of the person aggrieved. R.S.O., 1914, c. 8, s. 147.

Other rights and remedies.

#### PUBLICATION OF RETURN.

**146.** The Clerk of the Crown in Chancery shall, on receiving the return of a member elected to the Assembly, give in the next ordinary issue of the *Ontario Gazette*, notice of the receipt of the return, the date of such receipt, and the name of the candidate elected. R.S.O., 1914, c. 8, s. 148.

Notice of return in Ontario Gazette.

## CUSTODY OF ELECTION PAPERS.

How long to  
be retained  
and when to  
be destroyed

**147.**—(1) The Clerk of the Crown in Chancery shall, subject to the provisions of this Act, retain in his possession the documents transmitted to him by a returning officer, under section 144, for at least one year, and, if the election is contested, then for one year after the termination of the contestation. R.S.O., 1914, c. 8, s. 149 (1); *amended*.

How to be  
kept by  
Clerk of the  
Crown in  
Chancery.

(2) The Clerk of the Crown in Chancery shall keep all documents relating to a general election in a room or vault separate from that in which documents relating to by-elections are kept.

Marking  
boxes when  
not to be  
destroyed.

(3) If notice of the presentation of a petition is received by the Clerk of the Crown in Chancery or, if an order is made directing that documents relating to an election are not to be destroyed, he shall affix to the outside of the box or covering containing such documents a label having thereon in large and distinct letters the words, "Not to be destroyed." R.S.O., 1914, c. 8, s. 149 (2, 3).

## INSPECTION OF DOCUMENTS, BALLOT PAPERS, ETC.

Inspection  
of other  
documents.

**148.** All documents forwarded by a returning officer in pursuance of this Act, to the Clerk of the Crown in Chancery, other than ballot papers, shall be open to public inspection, at such time and under such regulations as may be prescribed by the Clerk of the Crown in Chancery with the approval of the Speaker of the Assembly; and the Clerk of the Crown in Chancery shall supply copies of or extracts from the documents to any person demanding the same, on payment at the rate of ten cents for each one hundred words, and in computing the number of words a figure shall be counted as a word. R.S.O., 1914, c. 8, s. 150.

Inspection  
to be under  
order of  
judge.

**149.**—(1) No person shall be allowed to inspect any ballot paper in the custody of the Clerk of the Crown in Chancery except under an order of a judge of the Supreme Court.

When  
order to  
be granted.

(2) The order may be made on the judge being satisfied by affidavit or other evidence on oath that the inspection or production of such ballot paper is required for the purpose of instituting or maintaining a prosecution for an offence in relation to ballot papers, or for the purpose of a petition questioning an election or return.

Conditions  
of order.

(3) The order may be made subject to such conditions as the judge may think proper.



(4) Subject to the provisions of the order, the inspection shall take place under the immediate supervision of the registrar of the Appellate Division at his office in Osgoode Hall, and he shall be present during the inspection, and so long as the ballot papers are in the custody of the registrar and not under inspection, they shall be kept in a secure place under lock and key. R.S.O., 1914, c. 8, s. 151.

Where inspection to take place.

**150.** Where an order is made by a judge of the Supreme Court for the production by the Clerk of the Crown in Chancery of any document in his possession relating to an election, the production of it by the Clerk or his agent, in such manner as may be directed by the order, shall be evidence that the document relates to the election; and any endorsement appearing on any envelope containing ballot papers so produced, shall be evidence that the contents are what they are stated to be by the endorsement. R.S.O., 1914, c. 8, s. 152.

Evidence as to documents, ballot papers, etc., in certain cases.

## PRESERVATION OF THE PEACE.

**151.** A returning officer and a deputy returning officer from the time he takes the oath of office until the day after the closing of the election shall be a conservator of the peace, and shall be invested with all the powers appertaining to a justice of the peace. R.S.O., 1914, c. 8, s. 153.

Powers of returning officers and deputy returning officers.

**152.** A returning officer and a deputy returning officer may require the assistance of justices of the peace, constables and other persons, to aid him in maintaining peace and good order at the election and may also swear in as many special constables as he may deem necessary. R.S.O., 1914, c. 8, s. 154.

Assistance by justices and constables.

**153.** On a requisition in writing made by a candidate or by his agent, or by two or more voters, a returning officer or deputy returning officer shall swear in as many special constables as may be necessary. R.S.O., 1914, c. 8, s. 155.

Special constables.

**154.** A returning officer or deputy returning officer may arrest or by verbal order cause to be arrested, and placed in the custody of any constable or other person, any person disturbing the peace and good order at the election, and may cause such person to be imprisoned under an order signed by him until an hour not later than the close of the nomination or of the poll as the case may be. R.S.O., 1914, c. 8, s. 156.

Arrest and imprisonment on verbal order.

## SECRECY OF PROCEEDINGS.

Maintaining  
secrecy of  
proceedings.

**155.**—(1) Every person in attendance at a polling place or at the counting of votes shall maintain and aid in maintaining the secrecy of the voting.

Interference  
with voters.

(2) No person shall interfere or attempt to interfere with a voter when marking his ballot paper, or attempt to obtain at the polling place information as to the candidate for whom a voter is about to vote or has voted.

Communi-  
cating in-  
formation  
as to how  
voter is  
voting.

(3) No person shall communicate any information obtained at a polling place as to the candidate for whom a voter at such polling place is about to vote or has voted. R.S.O., 1914, c. 8, s. 160.

Inducing  
voter to  
display  
ballot after  
marking.

**156.** No person shall, directly or indirectly, induce or attempt to induce a voter to show his ballot paper after he has marked it, so as to make known to any person the name of the candidate for whom he has voted. R.S.O., 1914, c. 8, s. 161.

Communi-  
cating in-  
formation  
as to num-  
ber on back  
of ballot.

**157.** No person shall communicate at any time to any person any information as to the number on the back of the ballot paper given to any voter at a polling place under the provisions of section 106, except to a court or judge lawfully requiring him so to do, or attempt to ascertain at the counting of the votes the number on the back of any such ballot paper. R.S.O., 1914, c. 8, s. 162.

Voter not  
to display  
marked  
ballot.

**158.** Subject to the provisions of section 98 a voter shall not show his ballot paper, when marked, to any person so as to allow the name of the candidate for whom he voted to be known. R.S.O., 1914, c. 8, s. 163.

Oath of  
secrecy.

**159.** Every returning officer and every officer, clerk, constable, agent and other person authorized to attend at a polling place, or at the counting of the votes, shall, before entering on his duties, take the oath of secrecy (Form 34). R.S.O., 1914, c. 8, s. 164.

Proceedings  
where  
officers  
aware of  
violation of  
secrecy.

**160.**—(1) If a returning officer, election clerk, deputy returning officer or poll clerk becomes aware, or has reason to believe or suspect, that any provision of the law as to secrecy has been violated he shall communicate the particulars, with all convenient speed, to the Crown attorney.

Duty of  
Crown  
attorney  
thereon.

(2) The Crown attorney shall, on receiving such information from such officer or from any other person, forthwith enquire into the case and if proper prosecute the offender. R.S.O., 1914, c. 8, s. 165,

No one  
compellable  
to disclose  
his vote.

**161.** A person who has voted shall not in any legal proceeding questioning the election or return be compelled to state for whom he voted. R.S.O., 1914, c. 8, s. 166.

## CORRUPT PRACTICES AND OTHER ILLEGAL ACTS.

**162.**—(1) Every person who,

**Bribery, who  
guilty of.**

- (a) directly or indirectly, himself or by any other person on his behalf, gives, lends or agrees to give or lend, or offers or promises any money or valuable consideration, or promises to procure, or to endeavour to procure any money or valuable consideration to or for any voter, or to or for any person on behalf of any voter, or to or for any person, in order to induce any voter to vote, or refrain from voting or corruptly does any such act on account of any voter having voted or refrained from voting at an election;  
**Bribing  
voter or  
procuring  
bribery by  
money.**
  
- (b) directly or indirectly, himself or by any other person on his behalf, gives or procures, or agrees to give or procure, or offers or promises any office, place or employment, or promises to procure or to endeavour to procure any office, place or employment to or for any voter, or to or for any other person, in order to induce any voter to vote, or refrain from voting, or corruptly does any such act on account of any voter having voted or refrained from voting at an election;  
**By gift or  
offer or  
promise of  
employment.**
  
- (c) directly or indirectly, himself or by any other person on his behalf, makes any such gift, loan, offer, promise, procurement or agreement, to or for any person in order to induce such person to procure or endeavour to procure the return of any person to serve in the Assembly, or the vote of any voter at an election;  
**To induce  
anyone to  
procure  
return of  
candidate.**
  
- (d) upon or in consequence of any such gift, loan, offer, promise, procurement or agreement, procures or engages, or promises or endeavours to procure the return of any person to serve in the Assembly, or the vote of any voter at an election;  
**Receiving  
bribe to  
procure  
return of  
candidate.**
  
- (e) advances or pays, or causes to be paid, money to or to the use of any other person, with the intent that such money or any part thereof shall be expended in corrupt practices at an election, or knowingly pays or causes to be paid money to any person in discharge or repayment of money wholly or in part expended in corrupt practices at an election;

(f)



Applying  
for money  
or employ-  
ment in  
considera-  
tion of  
voting.

(f) directly or indirectly, himself or by any other person on his behalf, on account of, and as payment for voting or for his having voted, or for illegally agreeing or having agreed to vote for any candidate at an election, or on account of, and as payment for his having illegally assisted or agreed to assist any candidate at an election, applies to such candidate, or to his agent; for the gift or loan of any money or valuable consideration, or for the promise of the gift or loan of any money or valuable consideration, or for any office, place or employment, or the promise of any office, place or employment;

Receiving  
money,  
office, etc.,  
for having  
voted.

(g) before or during an election, directly or indirectly, himself, or by any other person on his behalf, receives, agrees or contracts for any money, gift, loan or valuable consideration, office, place or employment for himself or any other person, for voting or agreeing to vote, or for refraining or agreeing to refrain from voting at an election;

Receiving  
money  
corruptly  
after  
election.

(h) after an election, directly or indirectly, himself or by any other person on his behalf, receives any money or valuable consideration for having voted or refrained from voting, or for having induced any other person to vote or refrain from voting at an election;

Giving or  
promising  
office to  
induce  
candidate  
to stand or  
withdraw.

(i) in order to induce a person to allow himself to be nominated as a candidate, or to refrain from becoming a candidate, or to withdraw if he has become a candidate, gives or procures any office, place or employment, or agrees to give or procure or offers or promises to procure, or endeavours to procure any office, place or employment for such person, or for any other person;

Bribing  
candidate  
to retire.

(j) in order to induce a person to withdraw from being a candidate at an election, directly or indirectly gives or lends, or offers or promises or agrees to give or lend, any money or valuable consideration to such person, or to any other person;

Penalty.

shall be guilty of bribery, and shall incur a penalty of \$200 and shall also on conviction be imprisoned for a term of six months.

Saving as  
to personal  
expenses of  
candidates.

(2) The actual personal expenses of a candidate, his reasonable expenses for actual professional services performed, and *bona fide* payments for the fair cost of printing and

advertising

advertising and other lawful and reasonable expenses in connection with the election, incurred by the candidate or any agent in good faith and without any corrupt intent, shall be deemed to be expenses lawfully incurred, and the payment thereof shall not be a contravention of this Act.

(3) The distribution by a candidate or his agent of political pamphlets or other political literature; or the sending or causing to be sent to voters by a candidate or his agent, newspapers containing political articles, reports of political meetings or other matters of public interest during such election or for a reasonable time prior thereto shall not be deemed corrupt or illegal acts or a contravention of this Act. Saving as to distribution of political literature.  
R.S.O., 1914, c. 8, s. 167.

**163.**—(1) A candidate shall not nor shall any other person provide or furnish meat, drink, refreshment or provision at the expense of such candidate or other person at a meeting of voters assembled for the purpose of promoting the election, previous to or during the election, or pay or promise or engage to pay therefor; but nothing herein contained shall extend to any meat, drink, refreshment or provision furnished to any such meeting of voters by or at the expense of any person at his usual place of residence, where such residence is a private house. Furnishing meat, drink, etc., forbidden except at residence of the person furnishing.

(2) Every person offending against the provisions of this section shall be guilty of a corrupt practice and shall incur a penalty of \$100. Penalty. R.S.O., 1914, c. 8, s. 168.

**164.**—(1) Every candidate who corruptly, himself or by or with any person, or by any other way or means on his behalf, at any time, either before or during an election, directly or indirectly gives or provides, or causes to be given or provided, or is accessory to the giving or providing, or pays wholly or in part any expenses incurred for any meat, drink, refreshment or provision to or for any person, in order to be elected or for being elected, or for the purpose of corruptly influencing such person or any other person to vote or refrain from voting at an election, shall be guilty of a corrupt practice and shall incur a penalty of \$200 in addition to any other penalty to which he may be liable therefor. Treating.

(2) The giving of meat, drink, refreshment or provision to voters extensively or generally, by a candidate, or by his agent, or the taking part therein by either of them, or giving the same wholly or partly at the expense of a candidate or his agent, shall *prima facie* be a corrupt practice within the meaning of this section. Giving refreshments prima facie evidence of a corrupt practice.

(3) It shall not be a sufficient answer to a charge of a corrupt practice under this section that the person charged had been in the habit of treating. Habit of treating not sufficient answer. R.S.O., 1914, c. 8, s. 169.

**Candidate  
betting.**

**165.**—(1) A candidate who, before or during the election makes a bet or wager, or takes a share or interest in, or in any manner becomes a party to, a bet or wager, upon the result of the election in the electoral district or in any part thereof or on any event or contingency relating to the election, shall be guilty of a corrupt practice.

**Providing  
money for  
betting.**

(2) A candidate or other person who provides money to be used by another in betting or wagering upon the result of the election in the electoral district or in any part thereof, or on any event or contingency relating to the election, shall be guilty of a corrupt practice.

**Other  
persons.**

(3) A person who for the purpose of influencing an election makes a bet or wager on the result thereof in the electoral district or in any part thereof, or on any event or contingency relating thereto, shall be guilty of a corrupt practice. R.S.O., 1914, c. 8, s. 170.

**Hiring  
conveyances  
to carry  
voters to  
poll.**

**166.**—(1) A candidate who himself or by any other person on his behalf and every other person who—

- (a) hires or promises to pay or pays for a conveyance to carry a voter to, or near or from or on the way to or from a polling place; or
- (b) pays the travelling or other expenses of a voter in going to or returning from a polling place;

**Exception.**

and every person who for a valuable consideration provides or furnishes a conveyance knowing that it is to be used to carry a voter other than the hirer, to or near, or from or on the way to or from a polling place shall be guilty of a corrupt practice and shall incur a penalty of \$100, and, if a voter, shall be disqualified from voting at the election; but this subsection shall not apply to the carrying of voters to the poll in the conveyance mentioned in clause *e* of subsection 2 of section 197.

**Furnishing  
transporta-  
tion to  
voters.**

(2) Every person who provides or furnishes transportation free of charge or at a diminished rate to a voter to or near or from or on the way to or from a polling place, and whether passes or tickets or the like are or are not supplied, shall be guilty of a corrupt practice and shall incur a penalty of \$100, and, if a voter, shall be disqualified from voting at the election.

**Hiring  
teams, etc.**

(3) "Conveyance," for the purposes of this section, shall include a horse, team, carriage, cab, vehicle, boat or vessel. R.S.O., 1914, c. 8, s. 171.



(4) Save as provided in subsection 1 nothing in this Act contained shall render it unlawful for any person to provide his own private vehicles for the purpose of taking voters to and from the poll free of charge. *New.*

Use of  
private  
vehicles.

**167.** The giving or causing to be given to a voter on the nomination day or on polling day on account of his being about to vote or having voted, any meat, drink, refreshment or provision, or any money, ticket or order to enable him to procure the same, shall be a corrupt practice, and the person so offending shall incur a penalty of \$10. R.S.O., 1914, c. 8, s. 172.

Providing  
refreshments  
on nomina-  
tion day or  
polling day.

**168.**—(1) Every person who, directly or indirectly, himself, or by any other person on his behalf, uses or threatens to use force, violence, or restraint, or inflicts or threatens to inflict injury, damage, harm or loss, or in any manner practises intimidation upon or against a voter in order to induce or compel him to vote, or refrain from voting, or on account of his having voted or refrained from voting, or who, by abduction, duress, or false or fraudulent pretence, device or contrivance, impedes, prevents or otherwise interferes with the free exercise of the franchise of a voter, or thereby compels, induces or prevails upon a voter to vote or refrain from voting, shall be guilty of a corrupt practice and shall incur a penalty of \$200, and shall also upon conviction be imprisoned for one year.

Undue  
influence

Penalty.

(2) It shall be a false pretence within the meaning of this section to represent to a voter, directly or indirectly, that the ballot to be used, or the mode of voting at an election, is not secret. R.S.O., 1914, c. 8, s. 173.

Pretence  
that ballot  
is not secret.

**169.**—(1) A person who at an election applies for a ballot paper in the name of some other person whether that name be that of a person living or dead, or of a fictitious person, or who having voted applies at the same election for a ballot paper in his own name or who votes more than once at the same election, shall be guilty of the offence of personation.

Personation.

(2) A person who commits or who directly or indirectly aids or abets, counsels or procures the commission of the offence of personation shall be guilty of a corrupt practice and shall incur a penalty of \$400, and shall also on conviction be imprisoned for one year. R.S.O., 1914, c. 8, s. 174.

Penalty.

**170.** A person who procures an appointment as deputy returning officer or poll clerk by false pretence, deceit or other improper means, or who acts as deputy returning officer without lawful authority shall be guilty of a corrupt practice and shall incur a penalty of \$400, and shall also on conviction be imprisoned for one year. R.S.O., 1914, c. 8, s. 175.

Procuring  
appointment  
as deputy  
returning  
officer or  
poll clerk  
by fraud.

Appointing persons as election officers who have been guilty of corrupt practices.

**171.** A person who knowingly appoints an election clerk, a deputy returning officer or a poll clerk, who has at any time been found guilty by a competent tribunal of a corrupt practice or reported by an election court for a corrupt practice shall be guilty of a corrupt practice and shall incur a penalty of \$400. R.S.O., 1914, c. 8, s. 176.

Voting by persons not entitled to vote to be a corrupt practice.

**172.** A person who votes knowing that he has no right to vote, and a person who induces or procures any other person to vote, knowing that such other person has no right to vote, shall be guilty of a corrupt practice, and shall incur a penalty of \$200. R.S.O., 1914, c. 8, s. 177.

Publishing false statement of withdrawal of candidate.

**173.** A person who before or during an election knowingly publishes a false statement of the withdrawal of a candidate at such election for the purpose of promoting or securing the election of another candidate, shall be guilty of a corrupt practice and shall incur a penalty of \$100, but the election of a candidate shall not be avoided by reason of a contravention of this section unless committed by him or by his agent. R.S.O., 1914, c. 8, s. 178.

#### CONSEQUENCES OF CORRUPT PRACTICES.

Corrupt practices by candidate or his agent to avoid election.

**174.** If an election court determines and reports that a corrupt practice has been committed by a candidate or by his agent, whether with or without the actual knowledge and consent of the candidate, the election of the candidate shall, except in the case mentioned in section 175, be void. R.S.O., 1914, c. 8, s. 179.

When court finds candidate not personally guilty and result not affected.

**175.** If the election court determines that an agent of the candidate was guilty of a corrupt practice that would otherwise render the election void, and further finds that,

- (a) no corrupt practice was committed at such election by the candidate personally, and that the corrupt practice of the agent was committed contrary to the order and without the sanction or connivance of the candidate;
- (b) the candidate took all reasonable means for preventing the commission of corrupt practices at such election;
- (c) the corrupt practice was of a trivial, unimportant and limited character; and that
- (d) in all other respects, so far as disclosed by the evidence the election was free from any corrupt practice on the part of the candidate and of his agent;

then the election of the candidate shall not, by reason of the corrupt practice, be void. R.S.O., 1914, c. 8, s. 180.

**176.** No candidate or other person shall be disqualified <sup>When dis-</sup> or subject to any disability or penalty for a corrupt practice, <sup>qualification</sup> <sup>incurred.</sup> except upon the judgment of an election court. R.S.O., 1914, c. 8, s. 181.

**177.**—(1) Subject to the provisions of subsection 2 where an election court determines and reports that a corrupt practice has been committed, by or with the actual knowledge and consent of a candidate, then in addition to his election, <sup>Candidate</sup> <sup>guilty of</sup> <sup>corrupt</sup> <sup>practice</sup> <sup>disqualified</sup> <sup>for eight</sup> <sup>years.</sup> if he has been elected, being void, the candidate, during the eight years next after the date of his being so found guilty, shall be incapable of being elected to and of sitting in the Assembly or any municipal council and of being entered on any voters' list or registered as a voter and of voting at an election, and of holding any office at the nomination of the Crown or of the Lieutenant-Governor or any municipal office.

(2) If the election court or one of the judges thereof finds that an act constituting in law a corrupt practice was committed by a candidate, or with his actual knowledge and consent, but without any corrupt intent, and in an ignorance <sup>Saving</sup> <sup>where cor-</sup> <sup>rupt practice</sup> <sup>committed</sup> <sup>in excusable</sup> <sup>ignorance.</sup> which was involuntary and excusable, and that the evidence showed that the candidate honestly desired, and in good faith endeavoured as far as he could, to have the election conducted according to law, the candidate shall not be subject to the penalties and disabilities which he would otherwise incur under the next preceding subsection. R.S.O., 1914, c. 8, s. 182.

**178.**—(1) Every person other than a candidate found guilty of a corrupt practice in a proceeding in which, after notice of the charge, he has had an opportunity of being heard, or who upon his own evidence given on the trial of a petition has been found to have been guilty of a corrupt practice and has been reported therefor, unless such finding and report have been reversed or set aside on appeal under *The Ontario Controverted Elections Act* shall, during the eight years next after the date of his being found guilty, be subject to the penalties and disabilities mentioned in section 177. <sup>Disqualifica-</sup> <sup>tion of</sup> <sup>persons</sup> <sup>other than</sup> <sup>candidates.</sup>

(2) No person shall be subject to the penalties and dis- <sup>Exemptions.</sup> abilities referred to in subsection 1 by reason of,

(a) a mere technical breach of law, or

(b) an act not being an intentional violation of law.

R.S.O., 1914, c. 8, s. 183.



## Appeal.

Rev. Stat.,  
c. 10.

**179.** Where the judges who constitute the election court disagree as to a corrupt practice having been committed by a candidate or his agent there may be an appeal as provided by *The Ontario Controverted Elections Act*, and if the Supreme Court determines that a corrupt practice was committed, then unless the court is of opinion that the case falls within section 175 the election shall be void, but the candidate shall not be disqualified. R.S.O., 1914, c. 8, s. 184.

Where  
second elec-  
tion held as  
result of  
protest.  
Effect of  
corrupt prac-  
tices at  
first election.

**180.** If an election is set aside and a second election had, the second election shall be deemed to be a new election and shall not be avoided by reason of corrupt practices committed at the former election other than the personal acts of the candidate or of his agent done with his actual knowledge and consent, but the new election shall not be avoided for corrupt practices by the candidate at the former election or affecting the same which were not set up and proved at the trial and so adjudged by the election court as by law to involve the penalties and disabilities mentioned in section 177. R.S.O., 1914, c. 8, s. 185.

Votes to be  
struck off on  
scrutiny  
when cor-  
rupt practice  
is proved.

**181.** If on the trial of an election petition a candidate or his agent is proved to have committed a corrupt practice with respect to a voter, there shall be struck off from the number of votes given for such candidate one vote for each voter in respect to whom the corrupt practice is proved to have been committed. R.S.O., 1914, c. 8, s. 186.

Election of  
candidate to  
be void for  
employing  
agent pre-  
viously  
found guilty  
of corrupt  
practice.

**182.** If on the trial of an election petition, a candidate is proved to have personally engaged any person, as a canvasser or agent, knowing that he has, within eight years previous to such engagement, been found guilty by a competent tribunal of or reported by an election court for a corrupt practice, the election of such candidate shall be void. R.S.O., 1914, c. 8, s. 187.

Removal of  
disqualifica-  
tion on proof  
that disquali-  
fication was  
procured by  
perjury.

**183.** If, at any time after a person has become disqualified, the witnesses or any of them on whose testimony he has become disqualified are convicted of perjury in respect of such testimony, the Supreme Court, upon the motion of the person disqualified and upon being satisfied that such disqualification was procured by reason of perjury, may order that the disqualification shall thereafter cease and determine. R.S.O., 1914, c. 8, s. 188.

Executory  
contracts  
arising out  
of elections  
to be void.

**184.** Every executory contract, promise or undertaking, in any way referring to, arising out of, or depending upon an election, even for the payment of lawful expenses, or the doing of a lawful act, shall be void. R.S.O., 1914, c. 8, s. 189.

**185.** No pecuniary penalty or forfeiture shall be recover-  
 able for a corrupt practice if it appears that the person  
 charged and another person or other persons were together  
 guilty of the act charged, either as giver and receiver, or as  
 accomplices or otherwise, and that the person charged has  
 previously *bona fide* prosecuted such other person or persons  
 or any of them for the corrupt practice; but this provision  
 shall not apply if the court or judge, before whom the person  
 claiming the benefit thereof is charged, certifies that it clearly  
 appears that the person so charged took the first step towards  
 the commission of the offence, and that he was in fact the  
 principal offender. R.S.O., 1914, c. 8, s. 190.

No statu-  
 tory penalty  
 for corrupt  
 practice  
 where the  
 party  
 charged  
 has first  
 prosecuted  
 a party  
 jointly  
 liable.

Proviso.

## OFFENCES AND PENALTIES.

### GENERAL.

**186.** A returning officer, deputy returning officer, or other  
 person whose duty it is to deliver poll books or who has the  
 custody of a certified list of voters or of a polling list or poll  
 book, who wilfully makes any alteration or insertion in or  
 omission from or in any way wilfully falsifies such certified list,  
 polling list or poll book shall be guilty of a corrupt practice  
 and shall incur a penalty of \$2,000, and shall also on con-  
 viction be imprisoned for one year. R.S.O. 1914, c. 8, s. 191.

Returning  
 officers, etc.,  
 wilfully  
 falsifying  
 or altering  
 list of voters  
 to incur  
 penalty.

**187.** Every person who—

Offences.  
 relating to  
 ballot  
 papers.

- (a) fraudulently alters, defaces or destroys a ballot  
 paper or the initials of the deputy returning officer  
 thereon; or
- (b) without authority supplies a ballot paper to any  
 person; or
- (c) fraudulently places in a ballot box a paper other than  
 the ballot paper which he is authorized by law to  
 place therein; or
- (d) fraudulently delivers to the deputy returning officer  
 to be placed in the ballot box any other paper than  
 the ballot paper given to him by the deputy returning  
 officer; or
- (e) fraudulently takes a ballot paper out of the polling  
 place; or
- (f) without authority, destroys, takes, opens, or other-  
 wise interferes with a ballot box or book or packet  
 of ballot papers or a ballot paper or ballot in use or  
 used for the purposes of an election; or

(g)

- (g) uses the authorized stamp for any purpose other than the stamping of ballot papers, or, not being a returning officer, has in his possession any such stamp or any counterfeit or imitation thereof; or
- (h) being a deputy returning officer, fraudulently puts his initials on the back of any paper purporting to be or capable of being used as a ballot paper at an election; or
- (i) with fraudulent intent, prints any ballot paper or what purports to be or is capable of being used as a ballot paper at an election; or
- (j) being authorized by the returning officer to print the ballot papers for an election, with fraudulent intent prints more ballot papers than he is authorized to print; or
- (k) attempts to commit any offence mentioned in this section,

shall be guilty of a corrupt practice and in the case of a returning officer, deputy returning officer or other officer engaged in the election, shall on conviction be liable to imprisonment for three years, and, in the case of any other person, shall on conviction be liable to imprisonment for one year. R.S.O., 1914, c. 8, s. 192.

Persons  
unlawfully  
destroying,  
etc., docu-  
ments relat-  
ing to elec-  
tions, etc.

**188.**—(1) A person who wilfully and maliciously destroys, injures or obliterates, or causes to be destroyed, injured or obliterated, a writ of election, or a return to a writ of election, or a poll book, voters' list, list of voters, polling list, certificate or affidavit, or other document or paper made, prepared or drawn according to or for the purpose of meeting the requirements of this Act or any of them, shall be guilty of a corrupt practice, and shall incur a penalty of \$2,000, and shall also on conviction be imprisoned for one year.

Abettors  
punishable

(2) A person who aids, abets, counsels or procures the commission of a violation of the next preceding subsection shall be guilty of a corrupt practice and shall incur a penalty of \$2,000, and shall also on conviction be imprisoned for one year. R.S.O., 1914, c. 8, s. 193.

Penalty  
for deputy  
returning  
officer  
omitting  
to initial  
ballots.

**189.**—(1) A deputy returning officer who wilfully omits to put his initials on the back of a ballot paper in use for the purpose of an election, shall incur a penalty of \$20 in respect of every such ballot paper.



(2) A deputy returning officer or poll clerk who refuses or neglects to perform any of the duties imposed upon him by sections 111 to 118 shall, for each refusal or neglect, incur a penalty of \$200. R.S.O., 1914, c. 8, s. 194.

Deputy returning officer or poll clerk neglecting duties.

**190.** A deputy returning officer or poll clerk who wilfully miscounts the ballots or otherwise makes up a false statement of the poll shall be guilty of a corrupt practice and shall incur a penalty of \$200. R.S.O., 1914, c. 8, s. 195.

Wilful misconduct in counting ballots, etc.

**191.** A person who acts in contravention of sections 155, 156, 157, or 158 shall be liable, on conviction, to imprisonment for any term not exceeding six months. R.S.O., 1914, c. 8, s. 198.

Penalty for violating secrecy.

**192.** Every officer engaged in the election who is guilty of a wilful act or omission in contravention of this Act, shall in addition to any other penalty or liability to which he may be subject, forfeit to any person aggrieved thereby the sum of \$400, R.S.O., 1914, c. 8, s. 199.

Penalty to person aggrieved.

**193.** Subject to the provisions of *The Ontario Controverted Elections Act*, and except as herein otherwise provided,—

How penalties under Act recoverable.

(a) all pecuniary penalties imposed by this Act for offences not declared to be corrupt practices, and for offences not punishable by imprisonment alone, or in addition to a pecuniary penalty or fine, shall be recoverable by any one who sues for the same in any court of competent jurisdiction; and the court shall order that in default of payment of the amount which the offender is condemned to pay, within the period fixed by the court, he shall be imprisoned for a term in the discretion of the court not exceeding one year unless the penalty and costs are sooner paid;

(b) it shall be sufficient for the plaintiff, in any such action, to allege that the defendant is indebted to him in the sum claimed, and the particular offence for which the action is brought, and that the defendant had acted contrary to this Act;

Statement of plaintiff's claim.

(c)

Limitation  
of actions,  
mode of  
trial.

(c) the action shall be commenced within one year next after the act committed, or the omission complained of, and not afterwards, and shall be tried by a judge without a jury. R.S.O., 1914, c. 8, s. 200.

Prosecutions  
for corrupt  
practices  
punishable  
by imprison-  
ment.

**194.** Prosecutions for penalties and punishments imposed by this Act for or in respect of corrupt practices and for offences for which imprisonment alone or in addition to a pecuniary penalty or fine is imposed shall be had and taken before an election court in the manner provided by *The Ontario Controverted Elections Act*. R.S.O., 1914, c. 8, s. 201.

Writ, etc.,  
need not be  
produced at  
trial.

**195.** In any proceeding under sections 193 and 194, it shall not be necessary on the trial to produce the writ of election or the return thereto, or the authority of the returning officer founded upon the writ of election but general evidence shall be sufficient. R.S.O., 1914, c. 8, s. 202.

### ELECTION EXPENSES.

Appoint-  
ment of  
official  
agent.

**196.**—(1) Every candidate shall appoint an official agent whose name and address shall be declared in writing to the returning officer, on or before the nomination day.

On death or  
incapacity of  
an agent  
appointment  
of another.

(2) In the event of the death or incapacity of an official agent the candidate shall forthwith appoint another official agent in his place, and give notice to the returning officer of the name and address of the person appointed, which shall be forthwith published by the returning officer at the expense of the candidate in the manner provided by section 61. R.S.O., 1914, c. 8, s. 203.

Payments  
not to be  
made except  
through  
official  
agent.

**197.**—(1) No contribution, payment, loan, gift, advance or deposit of money or its equivalent in excess of \$50 shall be received by or on behalf of a candidate and no payment, except with respect to the personal expenses of a candidate, and no advance, loan or deposit shall be made by or on behalf of a candidate before, during or after the election, on account of the election, otherwise than through his official agent. 1914, c. 5, s. 15.

"Personal  
expenses" of  
candidate,  
what to  
include.

(2) "Personal expenses" when used in this section shall include the following expenses, and payment therefor may lawfully be made by the candidate personally—

(a)

- (a) reasonable and *bona fide* rent or hire of halls or other places used by the candidates personally in which to address public meetings of voters, and the expenses incurred in heating, lighting and cleaning the same;
- (b) reasonable, ordinary and necessary travelling and living expenses of the candidate;
- (c) reasonable, ordinary and necessary travelling and living expenses of one speaker for each meeting, who accompanies the candidate and travels with him for the purpose of speaking at a public meeting to be addressed by the candidate;
- (d) reasonable and ordinary charges for the hire and keep of horses and hire of conveyances for the use of the candidate in travelling to and from public meetings and in canvassing in the electoral district, and reasonable and ordinary charges for the services and maintenance of a driver;
- (e) reasonable and ordinary charges for use by the candidate personally of not more than one conveyance, and the services of a driver, on the polling day.

(3) The onus of showing that the personal expenses paid by the candidate were fair, reasonable and proper and not in excess of what is ordinarily paid for similar services and accommodation, shall be upon the candidate. Onus probandi.

(4) The contracting for or the receipt of the ordinary and reasonable charges, Receipt of ordinary and reasonable charges, when not to disqualify voter.

- (a) by the owner or possessor of a hall or room in which to hold *bona fide* public meetings for the purposes of the election; or
- (b) by a printer for printing voters' lists, election address or advertisements or notices of election meetings; or
- (c) by a regularly established livery-keeper for the hire of horses and vehicles used in connection with and for the proper purposes of the election, and not for carrying voters otherwise than by the candidate as provided by clause e of subsection 2;

shall



shall be lawful and shall not disqualify him from voting. R.S.O., 1914, c. 8, s. 204.

Claims on candidate in respect of any election when to be sent in to agent.

**198.**—(1) Every person who has any claim against a candidate for or in respect to an election, shall send in such claim within one month from the day of the declaration of the result of the election, to the official agent of the candidate, otherwise he shall be barred of his right to recover the same.

Case of death of person making claim.

(2) In case of the death within such month of any person having such claim, his legal representative shall send it in, within one month after probate or administration has been obtained otherwise the right to recover the same shall be barred.

Case of death of agent.

(3) In case of the death of the official agent or of his incapacity to act and no other agent having been appointed such claim may be sent in or delivered to the candidate.

Agent not to pay without authority of candidate.

(4) No such claim shall be paid without the authority of the candidate, and the approval of the official agent. R.S.O., 1914, c. 8, s. 205.

Payment of lawful accounts rendered after one month from election.

**199.**—(1) Notwithstanding anything in the next preceding section contained, any claim which would have been payable if sent in within one month of the day of the declaration, may be paid by the candidate through his official agent after that time, if such claim is approved by a judge of the Supreme Court, or by the judge of the county court of a county in which the electoral district or some part of it is situate.

Advertising claims.

(2) All claims allowed by a judge shall, within one week thereafter be advertised by the returning officer at the expense of the candidate in the same newspapers in which the statement of the other election expenses was published. R.S.O., 1914, c. 8, s. 206.

Statement of election expenses, etc., to be sent by agent to returning officers.

**200.**—(1) A detailed statement of all money or its equivalent received as an election contribution, payment, loan, gift, advance or deposit and exceeding in amount or value \$50, and a detailed statement of all election expenses, incurred by or on behalf of a candidate, including payments in respect of his personal expenses, shall within two months after the election, or where, by reason of the death of the creditor, no claim has been sent in within such period of two months, then within one month after such claim has been sent in, be made out and signed by the official agent, who has paid the same, or by the candidate in case of payments made by him, and delivered, with the bills and vouchers relating thereto, to the returning officer. 1914 c. 5, s. 16 (1).

(2) The returning officer within fourteen days after receiving the statements, shall publish at the expense of the candidate an abstract thereof, in a newspaper published or circulating in the electoral district. R.S.O., 1914, c. 8, s. 207 (2); 1914 c. 5, s. 16 (2). Abstract thereof to be published.

(3) An agent or candidate who makes default in delivering the statements to the returning officer, shall incur a penalty not exceeding \$25 for every day during which he so makes default. R.S.O., 1914, c. 8, s. 207 (2); 1914, c. 5, s. 16 (2). Penalty for default in delivering statement.

(4) An agent or candidate who wilfully furnishes to the returning officer an untrue statement shall incur a penalty of \$400. R.S.O., 1914, c. 8, s. 207. Penalty for false statement.

**201.** The returning officer shall preserve all such statements, bills and vouchers, and shall during the six months next after they have been delivered to him permit any voter to inspect the same on payment of a fee of twenty-five cents. 1914, c. 5, s. 17. Returning officer to preserve bills, etc., and allow inspection.

#### FEES AND EXPENSES OF RETURNING OFFICERS, ETC.

**202.**—(1) The fees and expenses to be allowed to the officers and other persons for their services and disbursements under this Act shall be fixed by the Lieutenant-Governor in Council from time to time. 1920, c. 2, s. 25. Tariff of fees.

(2) The fees and expenses to be allowed to the returning officers, boards, and other officers and persons for services performed under this Act shall so far as the same are payable by the Province, be payable out of the Consolidated Revenue Fund. 1918, c. 3. s. 57, *part; amended.* Payment of expenses of Act.

(3) For the purpose of providing funds for the payment of such fees and expenses, the Lieutenant-Governor in Council may direct that accountable warrants payable out of the Consolidated Revenue Fund be issued from time to time in favour of any officer or other person. Accountable warrants.

(4) The sums paid out under subsection 1 shall be duly accounted for by the production of accounts and vouchers certified as provided by subsection 5, but it shall not be necessary that such accounts or vouchers shall be furnished by any person in whose favour an accountable warrant was issued before the issue of a further accountable warrant to the same person, unless the Lieutenant-Governor in Council otherwise directs. Accounts and audit.

Audit by  
auditor of  
Criminal  
Justice  
Accounts.

(5) All accounts and such fees and expenses shall be audited by the Auditor of Criminal Justice Accounts and upon the production of his certificate as to any amount remaining unpaid upon an account, the Treasurer of Ontario shall cause a cheque to be issued for the amount named in the certificate and the Provincial Auditor shall countersign the same. 1918, c. 3, s. 57, *part*.

## SCHEDULE OF REPEALED PROVISIONS

R.S.O. 1914, Chapter 8—The Whole.  
1914, Chapter 5—The Whole.  
1916, Chapter 6—The Whole.  
1917, Chapter 6—The Whole; Chapter 27—Section 3.  
1918, Chapter 3—The Whole; Chapter 20—Section 3.  
1919, Chapter 7—The Whole; Chapter 8 —The Whole.  
1920, Chapter 2—The Whole.  
1923, Chapter 3—Sections 14 to 24.  
1924, Chapter 4—Section 3.

## SCHEDULE OF FORMS.

### FORM 1.

(Referred to in Section 20.)

#### AFFIDAVIT OF PERSON APPLYING TO BE ENTERED ON LIST AFTER CHANGE OF RESIDENCE.

I, (*insert full Christian name and surname*) of the (city, town, village or township) of (*name of municipality*), (*occupation*), make oath and say (*or in the case of a voter entitled to affirm*), solemnly affirm—

1. That I am of the full age of twenty-one years (*or I will be of the full age of twenty-one years on the*      day of      , being the date fixed for holding the poll at this election).

#### [IN THE CASE OF A MALE VOTER.

2. That I am a British subject:

*or*

2. That I am a British subject by virtue of my naturalization before the 12th day of April, 1917;

*or*

2. That I am a British subject by virtue of my naturalization under *The Naturalization Act, 1914*, (*or under The Naturalization Act, 1918*).]

#### [IN THE CASE OF A FEMALE VOTER.

2. That I am a British subject by birth and am unmarried (*or am married to a British subject*);

*or*

2. That I am a British subject by virtue of my naturalization in my own right before the 12th day of April, 1917, (*or by virtue of my naturalization in my own right under The Naturalization Act, 1914, or under The Naturalization Act, 1918*);

*or*



or

2. That I am a British subject by virtue of my marriage to a British subject (or by virtue of the naturalization of my parent while I was a minor) and have done nothing to forfeit or lose my status as a British subject and am the holder of a certificate from a judge given under *The Election Act*, entitling me to be entered on the voters' list and to vote.]

3. That I am not a citizen or subject of any foreign country.

4. That I have resided within the Dominion of Canada since the day of (naming a date twelve months prior to the date fixed for holding the poll).

5. I was a resident of and domiciled in (state municipality from which removal took place) and was entered on the last revised voters' list for that municipality (or was entitled to be entered on the last revised voters' list for such municipality).

6. That had I remained a resident of such municipality I would have been entitled to be entered on the voters' list and to vote at this election therein.

7. That on the day of (insert date of removal) I removed from the said municipality to this city, (town, village or township), and am now resident at (insert street number, lot and concession of place of residence), and that such removal took place in the pursuit of my ordinary profession (or occupation or calling) and not for the purpose of enabling me to vote at this election in this municipality.

*Or, in the case of a person who has moved from one electoral district to another as a member of the family or household, of a person who has so moved in the pursuit of his ordinary occupation or calling or business.*

7. That on the day of (insert date of removal) I moved from the said municipality to this city, (town, village or township) with C. D. as a member of his family or household being the wife (or son or daughter or other relation or dependant, naming the relationship or connection) of the said C. D., who moved as aforesaid in the pursuit of his ordinary profession (or occupation or calling) and not as I verily believe for the purpose of enabling him or the members of his family to vote at this election.]

8. That I am now a resident of and domiciled in this municipality.

9. That I am not disqualified from voting at this election under *The Election Act* or under *The Disqualification Act, 1919*, or otherwise by law prohibited from voting or from being entered upon the list.

10. That I have not received anything nor has anything been promised to me, directly or indirectly, to induce me to vote at this election or for loss of time, travelling expenses, hire of conveyance or any service whatever connected with this election.

11. And that I have not directly or indirectly paid or promised anything to any person to induce him to vote or refrain from voting at this election.

Sworn (or affirmed before me

at  
this day of , 19  
C. D.,  
Commissioner, etc.

A. B.  
(Signature of applicant.)

1920, c. 2, Form 1.

FORM

## FORM 2.

(Referred to in Section 20.)

CERTIFICATE OF REVISING OFFICER OR JUDGE AS TO PERSON REMOVING  
FROM ONE ELECTORAL DISTRICT TO ANOTHER.

County of

To Wit:

I, (name of revising officer or judge)  
do certify that (insert  
*name of voter*), having duly filed with me the affidavit required by section 20 of *The Election Act*, as having removed into the electoral district of (insert  
*name of district*) within two months from the day fixed for holding the poll at the election of a member to serve in the Assembly for the said electoral district and having satisfied me that he is entitled to be entered on the list of voters in the municipality of (insert  
and to vote therein at the poll to be held on the day of  
I have caused his name to be entered upon  
the list of voters for polling subdivision No. in the  
of as provided by the said Act, and I believe him to be  
duly entitled to vote at the said poll.

Given under my hand and seal  
this

day of 19

Revising Officer.

or Judge,  
(as the case may be).

1920, c. 2, Form 2.

## FORM 3.

(Referred to in Section 22.)

## FORM OF CERTIFICATE FOR WOMEN OF FOREIGN BIRTH.

I, a Judge of the Court,  
hereby certify that of the  
of in the county of not  
being a British subject by virtue of her birth in Canada or some other  
part of the British Empire, has personally appeared before me and has  
satisfied me that she,—

1. Is of the full age of twenty-one years;
2. Has resided in Canada a sufficient length of time;
3. Is possessed of all the qualifications necessary to enable her, if unmarried, to become naturalized as a British subject; and

That she has taken the oath of Allegiance to His Majesty.

Given under my hand and  
the seal of the said Court,  
this day  
of 19

Judge.

1920, c. 2, Form 3.

FORM

## FORM 4.

*(Referred to in Section 25 (1).)*

*To be put up at all Polling Places.*

## NOTICE AS TO SECRECY OF VOTING.

It is the sworn duty of every person in attendance at this polling place, or at the counting of the votes, not to attempt to ascertain how any person is about to vote or has voted; and not to communicate any information obtained at the polling place which may enable or assist any person to ascertain how any person has voted.

It is further the sworn duty of every such person, by all proper means to maintain, and aid in maintaining, the absolute secrecy of the voting at this polling place.

Any person who acts in contravention of his duty in any of the said particulars is liable to imprisonment for any term not exceeding six months.

By *The Election Act*, it is further provided, that no person shall destroy, take, open or otherwise interfere with any ballot box or book or packet of ballot papers or a ballot paper or ballot in use for the purposes of the election, or shall attempt to do so; and that any returning officer, deputy returning officer or other officer engaged in the election who is guilty of any violation of that provision shall be liable to imprisonment for three years, and any other person guilty of such violation to imprisonment for one year. (*Section 187.*)

The said Act further provides that, in addition to every other penalty and liability, any officer engaged in the election who is guilty of any wilful act or omission in contravention of the Act, shall forfeit to any person aggrieved thereby the sum of \$400. (*Section 192.*)

A. B.,  
Clerk of the Crown in Chancery.

R.S.O., 1914, c. 8, Sched. A, Form 1.



FORM 5.  
(See Sections 26, 85.)  
FORM OF POLL BOOK.

Consecutive Number	NAMES OF VOTERS.	Place of Residence.	Occupation.	Objections.	Sworn or affirmed.	Refused to swear or affirm or to answer.	Marks indicating that Voter has voted.	REMARKS.

NOTE.—Where there are separate seats for an electoral district there shall be additional columns for marks indicating that the voter has voted and the heading of each column shall designate the seat.

## FORM 6.

*(Referred to in Section 36.)*

## OATH OF RETURNING OFFICER.

I, A. B., Returning Officer for the Electoral District of  
 swear (or solemnly affirm) that I am legally qualified to act as Return-  
 ing Officer for the said Electoral District, and that I will act faithfully  
 in that capacity, without partiality, fear, favour or affection: So help  
 me God.

Sworn (or affirmed before me at )	} A. B., Returning Officer.
the of this	
day of , 19 .	
A Commissioner, etc. (or as the case may be). See section 10.	

R.S.O., 1914, c. 8, Sched. A, Form 3.

## FORM 7.

*(Referred to in Section 37)*

PROCLAMATION OF THE RETURNING OFFICER DECLARING THE TIME AND  
 PLACE FOR THE NOMINATION OF CANDIDATES, AND THE DAY FOR  
 OPENING THE POLL.

## PROCLAMATION.

Electoral District of

Public Notice is hereby given that in obedience to His Majesty's Writ  
 to me directed, and bearing date the day of  
 , 19 , I require the presence of the voters at  
 the Town Hall or (as the case may be), in the County (or Township, or  
 City, or Town) of on the  
 day of , 19 , from one o'clock until two o'clock  
 in the afternoon, for the purpose of nominating a person (or persons,  
 as the case may be) to represent them in the Legislative Assembly: and  
 notice is further given that in case a poll is demanded and allowed in the  
 manner by law prescribed, such poll will be opened on the  
 day of , 19 , from the hour of eight o'clock in  
 the forenoon until seven o'clock in the afternoon as follows:—

For the polling subdivision No. 1, consisting of (or bounded as follows:—  
 or otherwise describing it clearly) at  
 describing the polling place and so continuing for all the other polling sub-  
 divisions and polling places in the electoral district).

And further, that at (describe place where votes will be added up) on  
 the day of at the  
 hour of , I shall open the ballot boxes, add up the votes  
 given for the several candidates and declare to be elected the one  
 having the largest number of votes.

Of which all persons are hereby required to take notice, and to govern  
 themselves accordingly.

God Save the King.

Given under my hand at , this day of  
 , in the year 19 .

A. B.,  
 Returning Officer.

R.S.O., 1914, c. 8, Sched. A, Form 4.

FORM

## FORM 8.

(Referred to in Section 43 (1).)

## COMMISSION OF ELECTION CLERK.

To *E. F.* (set forth his residence and occupation).

In my capacity of Returning Officer for the Electoral District of \_\_\_\_\_, I hereby appoint you to be my Election Clerk, to act in that capacity at the approaching election for the said Electoral District, which election will be opened by me on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, (the date to be inserted here is the day of nomination).

Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_.

*A. B.,*  
Returning Officer.

R.S.O., 1914, c. 8, Sched. A, Form 5.

## FORM 9.

(Referred to in Section 44.)

## OATH OF ELECTION CLERK.

I, *E. F.*, appointed Election Clerk for the Electoral District of \_\_\_\_\_, swear (or solemnly affirm) that I am legally qualified to act as Election Clerk and that I will act faithfully in that capacity and also in that of Returning Officer, if required to act in that capacity, without partiality, fear, favour or affection: So help me God.

Sworn (or affirmed before me at) \_\_\_\_\_  
the \_\_\_\_\_ of \_\_\_\_\_ this \_\_\_\_\_  
day of \_\_\_\_\_, 19\_\_\_\_.  
A Commissioner, etc.  
(or as the case may be).  
See section 6.

*E. F.,*  
Election Clerk.

R.S.O., 1914, c. 8, Sched. A, Form 6.

## FORM 10.

(Referred to in Section 58 (2).)

## FORM OF NOMINATION PAPER.

We, the undersigned, electors of the Electoral District of \_\_\_\_\_, hereby nominate (name, residence and addition or description of person nominated) as a candidate at the election now about to be held of a member to represent the said Electoral District in the Legislative Assembly (where the person nominated is absent from Ontario, add) the said \_\_\_\_\_ nominated in the foregoing nomination paper, is now absent from Ontario.

Witness our hands at \_\_\_\_\_, in the said Electoral District, this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_.

Signed by the said electors in the presence of \_\_\_\_\_ (addition). } Signatures and residence and addition.  
I, the said \_\_\_\_\_, nominated in the foregoing nomination paper, hereby consent to such nomination.

Witness my hand at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Signed by the said nominee in the presence of \_\_\_\_\_ (addition). } *J. K.*

1914, c. 5, s. 18.

FORM



## FORM 11.

*(Referred to in Section 58.)*

PROCLAMATION WHICH THE RETURNING OFFICER IS TO CAUSE TO BE  
READ ON NOMINATION DAY.

Oyez! Oyez! Oyez!

All persons are commanded and strictly enjoined to keep silence while  
His Majesty's Writ for the present Election is publicly read.  
God Save the King.

R.S.O., 1914, c. 8, Sched. A, Form 7.

## FORM 12.

*(Referred to in Section 62 (1).)*

WITHDRAWAL OF CANDIDATE.

(Electoral District of \_\_\_\_\_)  
I, \_\_\_\_\_, a candidate nominated for the above Elec-  
toral District hereby withdraw.

Dated at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_

.....  
Candidate.

Witness.

R.S.O., 1914, c. 8, Sched. A, Form 8.

## FORM 13.

*(Referred to in Section 65.)*

COMMISSION OF DEPUTY RETURNING OFFICER.

To G. H. *(Insert his residence and occupation).*

In my capacity of Returning Officer for the Electoral District of \_\_\_\_\_  
I hereby appoint you to  
be Deputy Returning Officer for Polling Place No. \_\_\_\_\_  
of the Township *(or as the case may be)* of \_\_\_\_\_  
in the said Electoral District, there to take the votes of the voters and  
you are hereby authorized and required to open and hold the poll at  
the said Polling Place on the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_,  
*(here describe particularly the place in which the poll is to be held)*, and  
there to keep the said poll open during the hours prescribed by law, and  
to do and perform in such polling place all acts and duties required to  
be performed by the Deputy Returning Officer appointed to act therefor,  
and after counting the votes given, to return to me forthwith the ballot  
box sealed with your seal and enclosing the ballots, envelopes, polling list,  
and other documents required by law, together with this Commission.

Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.  
A. B.,  
Returning Officer.

R.S.O., 1914, c. 8, Sched. A, Form 9.

FORM

## FORM 14.

(Referred to in Section 66.)

## OATH OF DEPUTY RETURNING OFFICER.

I, *G. H.*, appointed Deputy Returning Officer for Polling Place No. , of the Township (or as the case may be) of , swear (or solemnly affirm) that I am legally qualified to act as Deputy Returning Officer and that I will act faithfully, in that capacity, without partiality, fear, favour or affection: So help me God.

Sworn (or affirmed before me at  
the  of this  
day of , 19 .  
A Commissioner, etc.  
(or as the case may be).  
See section 6.

*G. H.*,  
Deputy Returning Officer.

R.S.O., 1914, c. 8, Sched. A, Form 10.

## FORM 15.

(Referred to in Section 72 (8).)

## AFFIDAVIT OF PRINTER.

Electoral District of 

I,

swear (or solemnly affirm).

(1) That by direction of the Returning Officer for the above named Electoral District I printed the ballot papers for use at the election to be held on the  day of , 19 , (insert date of polling) on the paper furnished by him for that purpose.

(2) That the annexed form shows the description of the ballot papers printed by me as aforesaid.

(3) That I supplied the Returning Officer with  
of such ballot papers.

(4) That no other such ballot papers were printed by or supplied by me to anyone.

Sworn (or affirmed before me at  
the  of this  
day of , 19 .  
A Commissioner, etc.  
(or as the case may be)  
See section 6.

R.S.O., 1914, c. 8, Sched. A, Form 11.

## FORM 16.

*(Referred to in Section 72 (2).)*

## FORM OF BALLOT PAPER.

*Front.*

The black line above the first name shall extend to the upper edge, and the black line below the last name shall extend to the lower edge of the ballot paper, and all black lines be prolonged to the edge of the paper. The black margin to the left represents the counterfoil and the space to the left of the counterfoil represents the stub. There shall be a line of perforations between the ballot and the counterfoil and between the counterfoil and the stub.

1

WM. R. BROWN  
of the City of Toronto, Barrister.

2

FRANK HAMON  
of the City of Toronto, Artist.

3

JOSEPH O'NEIL  
of the City of Toronto, Gentleman.

4

JOHN R. SMITH  
of the City of Toronto, Merchant.



## FORM 16.—(Continued)

*Form of Ballot Paper.**Back*

No. 325.

No. 325.

**POLL BOOK**

No. ....

D. R. O.  
INITIALS.**ELECTORAL DISTRICT  
OF**

19

R.S.O., 1914, c. 8, Sched. A, Form 12; 1920, c. 2, s. 12.

## FORM 17.

*(Referred to in Sections 25 and 74.)*

## DIRECTIONS FOR THE GUIDANCE OF VOTERS.

The voter is to vote only for one candidate.

The voter shall go into one of the compartments and, with a black lead pencil there provided, place a cross within the white space containing the name of the candidate for whom he votes, thus X.

The voter shall then fold the ballot paper so that the initials on the back and the number on the counterfoil can be seen without opening it; he shall then return the ballot paper so folded to the deputy

returning


returning officer, who shall, in full view of those present, including the voter, remove the counterfoil, destroy the same, and place the ballot paper in the ballot box; the voter shall then forthwith leave the polling place.

If a voter inadvertently spoils a ballot paper so that he cannot conveniently use it as he desires, he may return it to the deputy returning officer, who will give him another.


If the voter votes for more than one candidate, or places any mark on the ballot paper by which he can be identified, his vote will be void and will not be counted.

If the voter fraudulently takes a ballot paper out of the polling place, or fraudulently delivers to the deputy returning officer, to be placed in the ballot box, any other paper than the ballot paper given him by the deputy returning officer, he will be liable to imprisonment for one year.

In the following form of ballot paper, given for illustration, the candidates are Wm. R. Brown, Frank Hamon, Joseph O'Neil and John R. Smith, and the voter has marked his ballot paper in favour of John R. Smith, and the counterfoil has been detached.




1 WM. R. BROWN  
of the City of Toronto, Barrister.



2 FRANK HAMON  
of the City of Toronto, Artist.



3 JOSEPH O'NEIL  
of the City of Toronto, Gentleman.



4 JOHN R. SMITH  
of the City of Toronto, Merchant.

X

## FORM 18.

(Referred to in Sections 77 (1), 80.)

## COMMISSION OF POLL CLERK.

To I. J. (Insert his residence and occupation).

In my capacity of Deputy Returning Officer for the Polling Place No. \_\_\_\_\_, of the Township (or as the case may be), I hereby appoint you to be Poll Clerk for the said Polling Place.

Given under my hand, this  
19 .

day of

G. H.,  
Deputy Returning Officer.

R.S.O., 1914, c. 8, Sched. A, Form 15.

## FORM 19.

(Referred to in sections 77, 79)

## OATH OF POLL CLERK

I, I. J., appointed Poll Clerk for Polling Place No. \_\_\_\_\_ of the Township (or as the case may be) swear (or solemnly affirm) that I am legally qualified to act as Poll Clerk and that I will act faithfully in that capacity and also in that of Deputy Returning Officer, if required to act in that capacity according to law, without partiality, fear, favour or affection:

So help me God.

Sworn (or affirmed before me at )  
the of this  
day of 19 .

A Commissioner, etc.  
(or as the case may be).  
See section 6.

I. J.,  
Poll Clerk.

R.S.O., 1914, c. 8, Sched. A, Form 16

## FORM 20.

Referred to in section 84)

## CERTIFICATE OF RETURNING OFFICER FOR OUTSIDE VOTERS

I, \_\_\_\_\_ Returning Officer  
for the Electoral District of \_\_\_\_\_ at the request  
of \_\_\_\_\_ of the  
of \_\_\_\_\_ Merchant (or as the case may be),  
an elector of the said Electoral District, who has been appointed Deputy,  
Returning Officer (or Poll Clerk, or Agent for  
one of the Candidates at this election, (as the case may be) for polling  
sub-division No. \_\_\_\_\_, of the Township of  
(or as the case may be) in the said Electoral District do hereby certify  
that the said \_\_\_\_\_ is entitled to vote at this  
election at the polling place for the said polling sub-division, being the  
polling place where he is to be stationed during the polling day.

.....  
Returning Officer.

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NOTE.—The above certificate is not to be signed by the returning officer until the name, residence and occupation of the person to whom it is to be granted have been inserted therein.

FORM



## FORM 21.

*(Referred to in Section 93.)*FORM OF OATH TO BE ADMINISTERED TO MALE VOTER QUALIFIED UNDER  
SECTION 19, PARAGRAPH 1.

You swear (a)

1. That you are the person named by the name of in the polling list now shown to you *(or where a voter votes under a certificate given under section 84 of The Election Act)*, that you are the person named in the certificate now shown to you;

2. That you are of the full age of twenty-one years;

3. That you are a British subject by birth,—

*or, at the option of the voter,*

3. That you are a British subject by virtue of your naturalization before the 12th day of April, 1917 *(or by virtue of your naturalization under The Naturalization Act, 1914, or under The Naturalization Act, 1918)*.

4. That you are not a citizen or subject of any foreign country.

5. That you have resided within the Dominion of Canada for the twelve months last past. (b.)

6. That you have resided in this electoral district continuously (b) for the two months last past, and that you are now actually resident or domiciled therein.

*(or, at the option of the voter in the case of a city divided into two or more electoral districts or parts of which are situate in two or more electoral districts.)*

6. That you have resided in this municipality continuously for two months past and that you have resided continuously for the thirty days last past in this electoral district, (b) and are now actually resident and domiciled therein.

*(or, in the case of a voter who is the holder of a certificate issued under section 20 of The Election Act).*

6. That you are the person named in the certificate now produced by you and issued under section 20 of *The Election Act*, and have been since the issue of said certificate and are now actually resident and domiciled in this electoral district.

7. That you are not disqualified from voting at this election, and are entitled to vote at this election and at this polling place.

8. That you have not voted before at this election at this or any other polling place.

9. That you have not received anything nor has anything been promised you, directly or indirectly, to induce you to vote at this election or for loss of time, travelling expenses, hire of conveyance or any service whatever connected with this election.

10. That you have not directly or indirectly paid or promised anything to any person to induce him to vote or refrain from voting at this election. So help you God.

1920, c. 2, Form 4.

NOTE.—(a) If the voter is a person who may by law affirm in civil cases, then for "swear" substitute "solemnly affirm."

(b) In case the voter has been temporarily absent, insert the following words: "except occasionally or temporarily, or as a member of a permanent militia corps enlisted for continuous service, or on service as a member of the active militia, or as a student in attendance at an institution of learning in the Dominion of Canada, that is to say (*here name institution*) as the case may be."

## FORM 22.

*(Referred to in Section 93.)*FORM OF OATH TO BE ADMINISTERED TO FEMALE VOTER QUALIFIED  
UNDER SECTION 19, PARAGRAPH 1.

You swear (a)

1. That you are the person named by the name of in the polling list now shown to you *(or where a voter votes under a certificate given under section 84 of The Election Act)*, that you are the person named in the certificate now shown to you;

2. That you are of the full age of twenty-one years.

3. That you are a British subject by birth and are unmarried *(or are married to a British subject.)*

*(or, at the option of the voter,)*

3. That you are a British subject by virtue of your naturalization in your own right before the 12th day of April, 1917, *(or by virtue of your naturalization under the laws of Canada or Great Britain since the 12th day of April, 1917.)*

*(or, at the option of the voter,)*

3. That you are a British subject by virtue of your marriage to a British subject *(or by virtue of the naturalization of your parent while you were a minor)* and have done nothing to forfeit or lose your status as a British subject and are the holder of a certificate from a judge, given under *The Election Act*, and now produced by you, entitling you to be entered on the voters' list and to vote.

4. That you are not a citizen or subject of any foreign country.

5. That you have resided within the Dominion of Canada for the twelve months last past.

6. That you were at the time of your entry upon the last revised list of voters a resident of and domiciled in the municipality in which this polling subdivision is situate, *or*

6. That you have resided in this electoral district continuously for the two months last past, and that you are now actually resident and domiciled therein.

*(or, at the option of the voter, in the case of a city divided into two or more electoral districts or parts of which are situate in two or more electoral districts,)*

6. That you have resided in this municipality continuously for the two months last past and that you have resided continuously for the thirty days last past in this electoral district, *(b)* and are now actually resident and domiciled therein.

*(or, in the case of a voter who is the holder of a certificate issued under section 20 of The Election Act),*

6. That you are the person named in the certificate now produced by you and issued under section 20 of *The Election Act*, and have been

FORM

since the issue of said certificate, and are now actually resident and domiciled in this electoral district.

7. That you are not disqualified from voting at this election and are entitled to vote at this election and at this polling place.

8. That you have not voted before at this election at this or any other polling place.

9. That you have not received anything nor has anything been promised to you, directly or indirectly, to induce you to vote at this election, or for loss of time, travelling expenses, hire of conveyance or any service whatever connected with this election.

10. That you have not directly or indirectly paid or promised anything to any person to induce him to vote or refrain from voting at this election. So help you God.

1920, c. 2, Form 5.

NOTE.—(a) If the voter is a person who may by law affirm in civil cases, then for "swear" substitute "solemnly affirm."

(b) In case the voter has been temporarily absent, insert the following words: "except occasionally or temporarily, or as a student in an institution of learning in Canada, that is to say (naming the institution) as the case may be."

## FORM 23

(Referred to in Section 93.)

FORM OF OATH TO BE ADMINISTERED TO VOTER QUALIFIED UNDER SECTION 19, PARAGRAPH 2, AND MARKED "S.F." ON POLLING LIST.

You swear (a)

1. That you are the person named, or intended to be named, by the name of \_\_\_\_\_, in the polling list now shown to you (or where a voter votes under a certificate given under section 84 of The Election Act, that you are the person named in the certificate now shown to you).

2. That you are a British subject.

3. That you served in the military or naval forces of Great Britain or Canada (or any other British Dominion or possession, or in the military or naval forces of one of Great Britain's Allies in the late war with Germany, naming the force in which the voter served).

4. That you have not before voted at this election at this or any other polling place.

5. That you have not received anything nor has anything been promised to you directly or indirectly, to induce you to vote at this election, or for loss of time, travelling expenses, hire of conveyance or any service whatever connected with this election.

6. That you have not directly or indirectly paid or promised anything to any person to induce him to vote or refrain from voting at this election. So help you God.

1920, c. 2, Form 6.

NOTE.—(a) If the voter is a person who may by law affirm in civil cases then for "swear" substitute "solemnly affirm."

FORM



## FORM 24

(Referred to in Section 19, Paragraph 3.)

FORM OF OATH TO BE ADMINISTERED TO MALE VOTER IN TERRITORY  
WITHOUT MUNICIPAL ORGANIZATION.

You swear (a)

1. That you are the person named or intended to be named in the polling list now shown to you (*or where a voter votes under a certificate given under section 84 of The Election Act, that you are the person named in the certificate now shown to you*).

2. That you are of the full age of twenty-one years.

3. That you are a British subject by birth;

(*or, at the option of the voter,*)

3. That you are a British subject by virtue of your naturalization before the 12th day of April, 1917 (*or by virtue of your naturalization since the 12th day of April, 1917.*)

4. That you are not a citizen or subject of any foreign country.

5. That you have resided in the Province of Ontario for the twelve months last past.

6. That you were at the time of the entry of your name upon the polling list now shown to you in good faith a resident of and domiciled in the electoral district for which the list was prepared, and that you have resided in this electoral district continuously since the said date and that you are now actually resident and domiciled therein.

7. That you are not disqualified from voting and are qualified to vote at this election and at this polling place.

8. That you have not voted before at this election at this or any other polling place.

9. That you have not received anything nor has anything been promised to you, directly or indirectly, to induce you to vote at this election, or for loss of time, travelling expenses, hire of conveyance or any service whatever connected with this election.

10. That you have not, directly or indirectly, paid or promised anything to any person to induce him to vote or refrain from voting at this election. So help you God.

1920, c. 2, Form 7.

NOTE.—(a) If the voter is a person who may by law affirm in civil cases, then for "swear" substitute "solemnly affirm."

FORM

## FORM 25

*(Referred to in Section 19, Paragraph 3.)***FORM OF OATH TO BE ADMINISTERED TO FEMALE VOTER IN TERRITORY  
WITHOUT MUNICIPAL ORGANIZATION.**

You swear (a)

1. That you are the person named or intended to be named in the polling list now shown to you *(or where a voter votes under a certificate given under section 84 of The Election Act, that you are the person named in the certificate now shown to you.)*

2. That you are of the full age of twenty-one years.

3. That you are a British subject by birth and are unmarried *(or are married to a British subject).*

*(or, at the option of the voter,)*

3. That you are a British subject by virtue of your naturalization in your own right before the 12th day of April, 1917, *(or by virtue of your naturalization under the laws of Canada or Great Britain since the 12th day of April 1917.)*

*(or, at the option of the voter,)*

3. That you are a British subject by virtue of your marriage to a British subject *(or by virtue of the naturalization of your parent while you were a minor)* and have done nothing to forfeit or lose your status as a British subject and are the holder of a certificate from a Judge given under *The Election Act*, and now produced by you, entitling you to be entered on the voters' list and to vote.

4. That you are not a citizen or subject of any foreign country.

5. That you have resided in the Province of Ontario for the twelve months last past.

6. That you were at the time of the entry of your name upon the polling list now shown to you in good faith a resident of and domiciled in the electoral district for which the list was prepared, and that you have resided in this electoral district continuously since the said date and that you are now actually resident and domiciled therein.

7. That you are not disqualified from voting and are qualified to vote at this election and at this polling place.

8. That you have not voted before at this election at this or any other polling place.

9. That you have not received anything nor has anything been promised to you, directly or indirectly, to induce you to vote at this election, or for loss of time, travelling expenses, hire of conveyance or any service whatever connected with this election.

10. That you have not, directly or indirectly, paid or promised anything to any person to induce him to vote or refrain from voting at this election. So help you God.

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NOTE.—(a) If the voter is a person who may by law affirm in civil cases, then for "swear" substitute "solemnly affirm."

FORM 26.

(Referred to in Section 98.)

FORM OF OATH OF INABILITY TO READ.

I, *A. B.*, of \_\_\_\_\_ swear (or solemnly affirm) that I am unable to read [or that I am from physical incapacity unable to mark a ballot paper, (as the case may be).]

Sworn (or affirmed before me at \_\_\_\_\_  
in the County of \_\_\_\_\_  
this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_  
Having been first read over to the  
above named *A. B.*, and signed by  
him in my presence with his mark \_\_\_\_\_

*A. B. (His X mark.)*

Deputy Returning Officer.)

R.S.O., 1914, Sched. A, Form 20.

FORM 27.

(Referred to in Sections 115 (1), 136.)

STATEMENT OF THE POLL AFTER COUNTING THE BALLOTS.

Polling Place No. \_\_\_\_\_  
Electoral District of \_\_\_\_\_

Number of ballot papers received from the returning officer.....	.....	.....
Number of ballots cast for.....	.....	.....
" " " ".....	.....	.....
" " " ".....	.....	.....
" " " ".....	.....	.....
" " " ".....	.....	.....
Number of ballot papers declined (Section 107)...	.....	.....
Number of ballot papers taken from polling place (Section 107).....	.....	.....
Number of ballot papers cancelled (Section 109)...	.....	.....
Number of ballots rejected (Section 114).....	.....	.....
Number of ballot papers not used and returned...	.....	.....
Totals.....	.....	.....

We hereby certify that the above statement is correct.

Dated at \_\_\_\_\_, 19 \_\_\_\_.

*A. B.*,

Deputy Returning Officer:

Poll Clerk.

(Candidates or agents may also sign.)

R.S.O., 1914, c. 8, Sched. A, Form 21.

FORM



## FORM 28.

(Referred to in Section 115 (3).)

## CERTIFICATE TO BE DELIVERED TO CANDIDATES, ETC.

I, the undersigned, Deputy Returning Officer for polling place No. \_\_\_\_\_ in the \_\_\_\_\_ of \_\_\_\_\_ in the electoral district of \_\_\_\_\_, do hereby certify that, at the election held this day, for a member to serve in the Legislative Assembly, the hereinafter mentioned candidates received the number of ballots set opposite their respective names, viz.:—

NAMES OF CANDIDATES	NUMBER OF BALLOTS
.....	.....
.....	.....
.....	.....
.....	.....
.....	.....

and also that \_\_\_\_\_ ballot papers were rejected.

Dated at \_\_\_\_\_  
this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

G. H.,  
Deputy Returning Officer.

R.S.O., 1914, Sched. A, Form 22

## FORM 29.

(Referred to in Section 116.)

## OATH OF THE POLL CLERK AFTER CLOSING OF THE POLL.

I, \_\_\_\_\_ Poll Clerk for Polling Place No. \_\_\_\_\_ of the Electoral District of \_\_\_\_\_, swear (or solemnly affirm) that the poll book for the said polling place kept under the direction of G. H., who acted as Deputy Returning Officer, has been kept by me correctly to the best of my skill and judgment; that the total number of votes polled according to the said poll book is \_\_\_\_\_; and that to the best of my knowledge and belief it contains a true and exact record of the voters who voted at the said polling place.

Sworn (or affirmed)  
before me at \_\_\_\_\_  
this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

I. J.,  
Poll Clerk.

A Commissioner, etc.  
(or as the case may be).  
See section 10.

R.S.O., 1914, c. 8, Sched. A, Form 23.

## FORM 30.

(Referred to in Section 118 (1).)

## OATH OF POLL CLERK OR MESSENGER WHERE THE DEPUTY RETURNING OFFICER IS UNABLE TO DELIVER THE BALLOT BOX TO THE RETURNING OFFICER.

I, \_\_\_\_\_ swear (or solemnly affirm) that I am the person to whom \_\_\_\_\_ Deputy Returning Officer for Polling Place No. \_\_\_\_\_ of the \_\_\_\_\_ of \_\_\_\_\_ in the Electoral District of \_\_\_\_\_ entrusted the ballot box for the said polling place to be delivered to \_\_\_\_\_ the Returning Officer; that the ballot box which I delivered to the Returning Officer this day, is the ballot box I so received; that I have not opened it and that it has not been opened by any other person since I received it from the Deputy Returning Officer.  
So help me God.

Sworn (or affirmed) before }  
me at this }  
day of 19 . }

A Commissioner, etc.  
(or as the case may be).  
See section 10.

R.S.O., 1914, c. 8, Sched. A, Form 24.

## FORM 31.

(Referred to in Section 118 (3).)

## OATH OF DEPUTY RETURNING OFFICER AFTER CLOSING OF THE POLL.

I, \_\_\_\_\_ Deputy Returning Officer for Polling Place No. \_\_\_\_\_, of the Electoral District of \_\_\_\_\_, swear (or solemnly affirm) that, to the best of my knowledge and belief, the poll book kept for the said polling place under my direction has been kept correctly, that the total number of votes polled according to the said poll book is \_\_\_\_\_, and that it contains a true and exact record of the votes given at the said polling place, as the said votes were taken thereat; that I have correctly counted the votes given for each candidate, in the manner by law provided, and performed all duties required of me by law, and that the statement, polling list, poll book, envelopes containing ballot papers, and other documents required by law to be returned by me to the Returning Officer, have been faithfully and truly prepared and placed in the ballot box and are contained in the ballot box returned by me to the Returning Officer, which was locked and sealed by me, in accordance with the provisions of *The Election Act* and remained so locked and sealed while in my possession.

Sworn (or affirmed) before me at }  
in the County of }  
this day of , 19 . }

A Commissioner, etc.  
(or as the case may be)  
See section 10.

G. H.,  
Deputy Returning Officer.

R.S.O., 1914, c. 8, Sched. A, Form 25.





## FORM 33.

(Referred to in Section 144 (4).)

AFFIDAVIT TO BE TAKEN BY RETURNING OFFICER AFTER TRANSMITTING  
HIS RETURN TO THE CLERK OF THE CROWN IN CHANCERY.

I, \_\_\_\_\_ Returning Officer for the Electoral District  
of \_\_\_\_\_ swear (or affirm)

1. That, of the packets received by me as such Returning Officer from the deputy returning officers in respect of the recent election for the said Electoral District, I have not opened or permitted to be opened, any of the envelopes containing the ballot papers.

2. That I have not opened, or permitted to be opened, any of the packets so received except those authorized and directed to be opened by a returning officer under *The Election Act*.

3. That none of the other packets were opened by any person since they were returned to me by the deputy returning officers, (or in the case of a recount add, except by the Judge of the County Court, on a recount).

4. That I have not ascertained and have not attempted to ascertain, from the ballot papers or other contents of any of the said packets how any person voted.

5. That I have this day transmitted to the Clerk of the Crown in Chancery my return in respect of the said election.

So help me God.

Sworn (or affirmed) before  
me at \_\_\_\_\_ this  
day of \_\_\_\_\_, 19 \_\_\_\_.

A Commissioner, etc.  
(or as the case may be).  
See section 10.

R.S.O., 1914, c. 8, Sched. A, Form 27..

## FORM 34.

(Referred to in Section 159.)

## OATH OF SECRECY.

Electoral District of \_\_\_\_\_ Polling Place No. \_\_\_\_\_

I, \_\_\_\_\_ swear (or solemnly affirm)

1. That I will not attempt to ascertain, and will by every means in my power prevent any other person from ascertaining how any person is about to vote or shall have voted at this election save and except as may be necessary and proper in the case of persons blind or unable to read, or incapable of marking their ballot papers as provided in *The Election Act*.

2. That I will not communicate to any person any information of any kind which may enable or assist any person to ascertain the candidate for whom any person has voted.

3. That I will in all respects maintain and aid in maintaining the absolute secrecy of the voting at this polling place.

So help me God.

Sworn (or affirmed) before  
me at \_\_\_\_\_ this  
day of \_\_\_\_\_, 19 \_\_\_\_.

A Commissioner, etc.  
(or as the case may be).  
See section 10.

R.S.O., 1914, c. 8, Sched. A, Form 28..

## CHAPTER 5.

## An Act to amend The Legislative Assembly Act.

*Assented to 8th April, 1926.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**1.** This Act may be cited as *The Legislative Assembly Act*, Short title 1926.

**2.** Section 7 of *The Legislative Assembly Act* as re-enacted by section 3 of *The Women's Assembly Qualification Act, 1919*, is repealed and the following substituted therefor,—

Rev. Stat. c.  
11, s. 7 (1919,  
c. 8, s. 3)  
repealed.

7.—(1) Subject to the provisions of subsection 2 the persons qualified to sit and vote as members of the Assembly shall be any male or female persons of the full age of twenty-one years who are British subjects by birth or by naturalization under the laws of the Dominion of Canada from time to time in force, resident in Ontario and not disqualified by this or any other Act from election to the Assembly.

Qualifica-  
tion of  
members of  
Assembly.

(2) For the purposes of this Act a female person shall be deemed to be a British subject,—

When  
women to  
be deemed  
British  
subjects.

- (a) if she was born a British subject and is unmarried, or is married to a British subject and has not become a subject of any foreign power; or
- (b) if she has herself been personally naturalized as a British subject and has not since become the subject of a foreign power; or
- (c) if she has become a British subject by marriage or by the naturalization as a British subject of her parent while she was a minor, and in either case has done nothing to forfeit or lose her status as a British subject, and has

obtained

obtained a certificate under the signature of a judge of the Supreme Court or of a county or district court, and the seal of the court, certifying that such female is of the full age of twenty-one years, has resided in Canada a sufficient length of time and is possessed of all requirements necessary to entitle her, if unmarried, to become naturalized as a British subject, and that she has taken the oath of allegiance to His Majesty.

Rev. Stat.  
c. 11, s. 10  
(1914, c. 7,  
s. 1)  
repealed.

3. Section 10 of *The Legislative Assembly Act* as re-enacted by section 1 of the Act passed in the year 1914, chaptered 7, and amended by section 4 of the Act passed in the year 1918, chaptered 20, and subsection 2 of section 4 of *The Legislative Secretary for Northern Ontario Act, 1924*, is repealed and the following substituted therefor,—

Disqualifi-  
cation of  
persons  
holding  
office under  
Crown.

10.—(1) Except as hereinafter specially provided no person accepting or holding any office, commission or employment in the service of the Government of Canada, or of the Government of Ontario at the nomination of the Crown or at the nomination of any of the officers of the Government of Canada or of the Government of Ontario to which any salary, fee, wage, allowance, emolument or profit of any kind is attached shall be eligible as a member of the Assembly, or shall sit or vote therein.

Exceptions.

(2) Nothing in this section shall render ineligible as aforesaid or disqualify from sitting and voting in the Assembly when not otherwise disqualified,—

- (a) a member of the executive council;
- (b) a Legislative secretary for Northern Ontario;
- (c) an officer of His Majesty's army or navy, or an officer in the militia or a militiaman;
- (d) a justice of the peace, coroner, notary public or public school inspector;
- (e) any person holding any temporary employment in the service of the Dominion of Canada requiring special qualifications or professional skill, or a commissioner appointed under the Revised Statutes of Canada, 1906, chapter 104; or

(f)



- (f) a member of any commission, committee or other body appointed under the authority of any Act of this Legislature and declared by such Act to be entitled to any remuneration or allowance while a member of the Assembly.

4. *The Legislative Assembly Act* is amended by adding Rev. Stat. c. 11 amended. thereto the following section,—

14a.—Notwithstanding anything in any Act where a member of the Assembly is appointed a member of the executive council within three months after the day fixed for polling at a general election and before the opening of the first session held after such date, he shall not, by reason of the acceptance of such appointment, vacate his seat or be disqualified from sitting or voting in the Assembly. When re-election unnecessary on appointment to Executive Council.

5. This Act shall come into force on the day upon which it receives the Royal Assent. Commencement of Act.

## CHAPTER 6.

## An Act for raising money on the credit of the Consolidated Revenue Fund.

*Assented to 8th April, 1926.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.      **1.** This Act may be cited as *The Ontario Loan Act, 1926*.

Loan of  
\$40,000,000  
authorized.

**2.** The Lieutenant-Governor in Council is hereby authorized to raise by way of loan a sum of money not exceeding forty million dollars (\$40,000,000) for all or any of the purposes following, that is to say: For the public service, for works carried on by commissioners on behalf of Ontario, for the covering of any debt of Ontario on open account, for paying any floating indebtedness of Ontario, for the carrying on of the public works authorized by the Legislature and for redeeming in whole or in part the outstanding debentures of the Province of Ontario that have been issued free of succession duty.

Terms to be  
fixed by  
Lieutenant-  
Governor.

**3.** The aforesaid sum of money may be borrowed for any term or terms not exceeding forty years, at such rate as may be fixed by the Lieutenant-Governor in Council and shall be raised upon the credit of the Consolidated Revenue Fund of Ontario, and shall be chargeable thereupon.

Sinking  
fund.

**4.** The Lieutenant-Governor in Council may provide for a special sinking fund with respect to the issue herein authorized, and such sinking fund may be at a greater rate than the one-half of one per centum per annum specified in subsection 2 of section 4 of *The Provincial Loans Act*.

Rev. Stat.,  
c. 21.

Commence-  
ment of  
Act.

**5.** This Act shall come into force on the day upon which it receives the Royal Assent.

## CHAPTER 7.

An Act to amend The Provincial Land  
Tax Act, 1924

*Assented to 8th April, 1926.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Provincial Land Tax Act*, Short title.  
1926.
2. Section 7 of *The Provincial Land Tax Act, 1924*, is 1924, c. 13,  
s. 7, amended amended by adding thereto the following subsection:
  - (3) Where any person assessed as an owner of land under this Act assigns, transfers or otherwise conveys his interest in such land if any, he shall give notice to the Collector of such assignment, transfer or conveyance by writing over his hand forwarded by registered post, and such notice shall contain detailed particulars of such assignment, transfer or conveyance and the name and postoffice address of the person to whom the same was made, and in default such owner may be held liable for all taxes then payable or thereafter imposed in respect of such land until such notice is given. Notice of  
change of  
ownership.
3. *The Provincial Land Tax Act, 1924*, is amended by adding 1924, c. 13,  
amended thereto the following section:—
  - 7a. Any person duly authorized by the Minister in writing may, for the purpose of ascertaining the names and addresses of owners of land liable to taxation under this Act, search and inspect registry books and indexes in registry offices and books and documents in the custody of Masters of Titles, and no charge shall be made by and no fee shall be payable to a Registrar or Master of Titles for any such search or inspection. Right to  
search regis-  
try and land  
titles office  
free of  
charge.
4. This Act shall come into force on the day upon which it receives the Royal assent. Commence-  
ment of Act.



## CHAPTER 8.

## An Act to amend The Public Lands Act.

*Assented to 8th April, 1926.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as *The Public Lands Act, 1926*.

Rev. Stat.  
c. 28, s. 4,  
amended.

2. Section 4 of *The Public Lands Act* is amended by adding thereto the following subsection,—

Deputy  
Minister of  
Forestry.

(1a) There shall also be a Deputy Minister of Forestry who shall be appointed by the Lieutenant-Governor in Council and shall perform such duties in connection with reforestation, forest protection, forest research and investigation and other matters as may be assigned to him by the Lieutenant-Governor in Council or by the Minister and in the absence of the Minister, or in the case of a vacancy in the office of the Minister, he shall discharge the duties of the Minister with respect to such matters as may have been assigned to him.

Rev. Stat.  
c. 28,  
amended.

3. *The Public Lands Act* is amended by adding thereto the following section,—

Certificate  
as to ex-  
tinguish-  
ment or  
rights, etc.

61. Where the mines and minerals upon lands affected by section 53 and by section 54 as enacted by section 2 of *The Public Lands Act, 1925*, were at the time of the enactment of section 53 the property of the Crown and no mining claim on such lands has been staked out and recorded by or leased or sold to any person other than the locatee or purchaser of the land, or a person deriving title under him under *The Mining Act of Ontario* or any Mining Act then or previously in force, or where such mining claim has been so staked out, recorded, leased or sold but the rights of the holder of such mining claim have been

abandoned,

abandoned, forfeited, cancelled or otherwise have ceased, the Minister of Mines or the Deputy Minister of Mines may issue a certificate in accordance with the facts and such certificate may be registered in any registry office in Ontario. *From Bill 73 (1926).*

4. This Act shall come into force on the day upon which it receives the Royal Assent.

Commence-  
ment of  
Act.

## CHAPTER 9.

## An Act to make further provision for Northern Ontario Development.

*Assented to 8th April, 1926.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.      **1.** This Act may be cited as *The Northern Ontario Appropriation Act, 1926*.

\$5,000,000 appropriated for Northern Ontario development.      **2.** In addition to the amounts provided by *The Northern and Northwestern Ontario Development Acts*, heretofore enacted, there shall be set apart out of the Consolidated Revenue Fund the sum of Five Million Dollars, and the same shall be applied for the purposes set out in the said Acts and in *The Soldiers' and Sailors' Land Settlement Acts* or any of them.

Commencement of Act.      **3.** This Act shall come into force on the day upon which it receives the Royal Assent.



## CHAPTER 10.

An Act to provide for the Development of  
Northern Ontario.*Assented to 8th April, 1926.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

## PRELIMINARY.

**1.** This Act may be cited as *The Northern Development Act, 1926.* Short title.

**2.** In this Act,—

Inter-  
pretation.

- (a) "Commissioner" shall mean a Commissioner appointed by the Lieutenant-Governor in Council under the authority of this Act; "Com-  
missioner."
- (b) "Department" shall mean the Department of Northern Development; "Depart-  
ment."
- (c) "Deputy Minister" shall mean the Deputy Minister of Northern Development. "Deputy  
Minister."
- (d) "Fund" shall mean the Northern Development Fund; "Fund."
- (e) "Minister" shall mean that member of the Executive Council to whom for the time being the administration of this Act is assigned; "Minister."
- (f) "Regulations" shall mean regulations made under the authority of this Act. "Regula-  
tions."
- (g) "Road" shall mean a common or public highway and shall include a street or a bridge forming part of a highway or on or over which a highway passes; "Road."

**3.** Nothing in this Act contained shall be taken to restrict or affect in any manner the provisions of *The Returned Soldiers' Act, 1917, c. 13 and 1919, c. 15, not affected.*

and

*and Sailors' Land Settlement Act or The Returned Soldiers' and Sailors' Land Settlement Act, 1919.*

Repeal.

4. The Acts and parts of Acts set out in the schedule are repealed to the extent therein provided.

Commence-  
ment of Act.

5. This Act shall come into force on the day upon which it receives the Royal Assent.

#### DEPARTMENT AND ADMINISTRATION.

Department.

6. There shall be a department of the Civil Government of Ontario which shall be known as the Department of Northern Development and shall be presided over by the Minister, and the Department shall be charged with the administration of this Act and of *The Returned Soldiers' and Sailors' Land Settlement Acts* and *The Colonization Roads Act*.

Deputy  
Minister  
and staff.

7. The Lieutenant-Governor in Council may from time to time appoint a Deputy Minister and such Commissioners, officers, clerks and servants as may be deemed necessary or expedient for carrying out the purposes and objects of this Act.

Oath of  
office.

8. The Deputy Minister and any Commissioner so appointed shall, before entering upon the duties of his office, take and subscribe before the Clerk of the Executive Council of Ontario the oath of allegiance and solemn declaration provided for in section 36 of *The Ontario Public Service Act*. (See 1912, c. 2, s. 7).

Salaries  
and remun-  
eration.

9. Subject to the provisions of *The Ontario Public Service Act*, the Lieutenant-Governor in Council may from time to time fix the salaries, allowances and expenses to be paid to the Deputy Minister, Commissioners, officers, clerks and servants appointed under this Act.

Orders-in-  
Council to be  
laid before  
Assembly.

10. Every Order-in-Council made under this Act shall be laid before the Assembly forthwith if the Assembly is then in session and if the Assembly is not then in session, then within the first fifteen days after the opening of the next Session thereafter.

#### THE NORTHERN DEVELOPMENT FUND.

Account  
of Fund.

11. There shall be an account opened in the books of the Treasurer of Ontario to be known as the Northern Development Fund Account and all moneys heretofore appropriated and remaining unexpended, and any sums hereafter appropriated for the purposes of this Act or *The*

*Soldiers'*

*Soldiers' and Sailors' Land Settlement Acts* shall be placed to the credit of the said account and shall form the Northern Development Fund.

**12.** The expenses of the administration of this Act, including the salaries or other remuneration of the Deputy Minister, Commissioners, officers, clerks and servants of the Department and their proper travelling expenses and allowances and any sums required for the construction, maintenance or operation of works and any grants or loans or other expenditures which may be authorized under this Act shall be payable out of the Consolidated Revenue Fund in such manner, to such persons and at such times as the Lieutenant-Governor in Council may direct and shall be chargeable to the Fund.

Expenses  
of adminis-  
tration  
chargeable  
to Fund.

**13.** All sums of money paid out under this Act shall be duly accounted for to His Majesty and the provisions of *The Audit Act*, so far as applicable, shall apply to all expenditures made under this Act.

Accounts  
and audit.

#### WORKS WHICH MAY BE UNDERTAKEN.

**14.** Subject to the regulations the Department may,—

What may  
be under-  
taken by  
Department.

- (a) construct works and improvements;
- (b) make roads;
- (c) improve and develop water powers;
- (d) take such measures as the Minister may think proper for the advancement of settlement and colonization, the assistance of settlers, the improvement of means of transportation and communication, and the encouragement and assistance of agriculture and reforestation in the northern and northwestern districts;
- (e) make loans to assist in the operation of creameries, cheese factories, grist mills and other like associations;
- (f) purchase seed grains and other seeds, seed potatoes and agricultural implements for sale or distribution to settlers and farmers;
- (g) purchase, transport, use or operate for the benefit of settlers or for the development of any territory, machinery for well-drilling or other like purposes;
- (h) purchase cattle or other live stock for sale or distribution to settlers and farmers and make provision for the feeding, care and distribution of the same;



- (i) purchase lands, easements, rights-of-way, buildings and structures deemed necessary;
- (j) erect and equip schools and other public buildings and pay the salaries and expenses of persons employed in connection therewith; and
- (k) generally undertake such work and expenditures in the northern and northwestern districts of Ontario for which no other provision is made as may be authorized by the Lieutenant-Governor in Council upon the recommendation of the Minister.

Powers of Minister as to taking lands for roads.

**15.**—(1) The Minister may, for and in the name of His Majesty, purchase or acquire, and, subject as hereinafter mentioned, may himself or by his engineers, superintendents, agents, workmen or servants, for any purpose relative to the use, construction, maintenance or repair of a road, without the consent of the owner thereof enter upon, survey, take and expropriate any land which the Minister may deem necessary for the use, construction, maintenance or repair of a road, or for procuring stone, gravel, timber, or other material for use in making, maintaining or repairing a road, and for the purposes of the powers conferred by this section the Minister shall have and may exercise the like powers and shall proceed in the manner provided by *The Ontario Public Works Act* where the Minister of Public Works enters upon or takes land or property for the use of Ontario, and the provisions of that Act shall apply, *mutatis mutandis*.

Rev. Stat. c. 35.

Power to construct roads.

(2) Upon land purchased, expropriated or otherwise acquired under subsection 1 hereof, the Minister by himself, or by his engineers, superintendents, agents, workmen or servants may lay out, construct, maintain or repair such road or roads as shall by the Minister be deemed necessary or expedient. 1924, c. 14, s. 13.

Municipality's contribution to cost of work.

**16.**—(1) Where in any municipality a road is acquired, opened, constructed, maintained or repaired under the provisions of this Act, the Minister may determine and order that the corporation of such municipality shall pay a proportion of the cost of the construction, maintenance or repair of the road, and may order and direct the proportion to be paid or borne by such municipality, and such order of the Minister shall not be subject to appeal or be open to review, except by the Minister.

Enforcing payment of municipality's share.

(2) For the purpose of enforcing the payment of any sum so directed to be paid by a municipality, with interest and costs, the Minister and any officer appointed by

him

him for that purpose, shall have and may exercise the like powers and shall proceed in the manner provided by *The Execution Act* where the sheriff proceeds upon an execution against a municipal corporation, and the provisions of that Act shall apply, *mutatis mutandis*. 1924, c. 14, s. 14.

Rev. Stat.  
c. 80.

**17.** The Minister shall have and may exercise within the limits of any municipal corporation along the course of a road laid out, constructed, maintained or repaired under the provisions of subsection 2 of section 15, all the powers which may be exercised by a municipal corporation authorized to lay out, maintain and construct a highway. 1924, c. 14, s. 15.

Powers of  
Minister in  
construction  
of work  
in muni-  
cipality.

**18.**—(1) Where any workman or servant is injured or killed by accident while employed in any work undertaken under this Act, the like payments for medical or surgical aid, hospital or skilled nursing services, or for compensation for such injury or death, may be made out of the Fund as may be made in any case to which *The Workmen's Compensation Act* applies, and the Treasurer of Ontario shall issue the cheque therefor upon the certificate of the Minister or Deputy Minister and the certificate of the Minister or Deputy Minister shall be conclusive as to the facts stated therein and as to the right of the person named in the certificate to receive the amount certified to, and such certificate shall not be subject to any further revision or audit.

Compensation where  
workman  
injured or  
killed.

(2) The amount which may be paid under subsection 1 to any person, upon the request of the Minister, shall be fixed and determined by the Workmen's Compensation Board. 1917, c. 12, ss. 2, 3, *part*.

Fixing  
amount  
of compensation.

#### LOANS TO SETTLERS.

**19.** Loans of money may be made to settlers by a Commissioner appointed under this Act to such an amount in the whole as the Lieutenant-Governor in Council may from time to time determine.

Loans to  
settlers.

**20.** Every such loan shall be subject to the regulations and shall be made upon such terms and conditions as the Commissioner may think proper, but the amount advanced to any one settler shall not exceed \$500.

Terms and  
conditions  
of loan.

**21.**—(1) The Lieutenant-Governor in Council may, from time to time direct that advances be made to the Commissioner out of the Fund upon the requisition of the Commissioner, countersigned by the Minister or Deputy Minister, and all such advances shall be duly accounted for in the manner provided by *The Audit Act*.

Advances for  
purpose of  
making  
loans.

Rev. Stat.  
c. 23.

Security to  
be given by  
officers.

(2) The Commissioner and all other officers employed in carrying out the provisions of this Act, shall give such security for the due accounting for all moneys coming to their hands as may be fixed by the Lieutenant-Governor in Council. 1916, c. 11, s. 12, *part.*

Report  
on loans.

**22.** A report of all loans made by him during the preceding fiscal year, and all the amounts received in repayment of any such loans, shall be made by the Commissioner to the Lieutenant-Governor on or before the 1st day of January in each year, and shall be laid before the Assembly at the next Session of the Legislature held thereafter. 1916, c. 11, s. 13.

### LIENS FOR LOANS AND SUPPLIES.

Notice  
of lien.

**23.—(1)** Where money is owing in respect of a loan made by the Commissioner under the authority of this Act, it shall be sufficient for the purposes of *The Public Lands Act*, *The Registry Act* and *The Land Titles Act*, that the Commissioner shall give notice in writing under his hand and seal that there is payable to the Crown by the settler any sum on account of such loan. See 1916, c. 11, s. 5.

Notice  
of lien.

(2) Where seed grain or other seeds, seed potatoes, hay or other feed, cattle, farm implements or other machinery have been distributed or supplied to, or wells have been drilled, or other work done for settlers, it shall be sufficient for the purposes of *The Public Lands Act*, *The Registry Act* and *The Land Titles Act* that the Minister or Deputy Minister shall give a like notice under his hand and seal that there is due to the Crown from the settler any sum on account of anything so supplied or done.

Particulars  
to be stated  
in notice.

(3) The notice to be given by the Commissioner or by the Minister or Deputy Minister, as the case may be, shall state the amount of the loan or the amount due in respect of the thing supplied or the work done and shall describe the lands to be chargeable and may be registered against the lands, in the case of unpatented lands in the Department of Lands and Forests and in the case of patented lands in the proper registry or land titles office and upon registration the notice,

(a) in the case of unpatented lands, shall constitute a first lien and charge upon the lands described therein subject only to any payments which may be due to the Crown on account of purchase money or for timber dues, insurance fees, fire charges or otherwise, whether the person from whom the amount is due is the owner or purchaser or locatee or merely an occupant of the land; and

(b)



(b) in the case of patented lands, shall constitute a lien or charge upon such land having priority, subject to subsection 4, according to the general law of Ontario. *See* 1915, c. 6, s. 4, *part*; 1916, c. 11, s. 6.

(4) In case any land so charged is sold for taxes, the title of the purchaser at the sale shall be subject to such lien and charge. Title of purchaser to be subject to lien.

(5) Upon payment or other satisfaction of any such loan or charge, the Commissioner or Minister or Deputy Minister, as the case may be, may give a certificate in writing under his hand and seal that any sum due to the Crown has been paid or accounted for and that the lands, describing them, are discharged from any lien or charge created under this Act. *See* 1916, c. 11, s. 8. Discharge of lien.

(6) The certificate may be registered, in the case of unpatented lands, in the Department of Lands and Forests, and in the case of patented lands, in the proper registry or land titles office as the case may be and upon registration the lien or charge created under this Act shall be discharged and the lands described in the certificate shall be free therefrom. *See* 1916, c. 11, s. 9. Registration.

(7) Upon payment or other satisfaction of a portion of the moneys secured by any lien or charge registered under this Act, the Commissioner or Minister or Deputy Minister as the case may be, may by a certificate in writing under his hand and seal, describing the lands so discharged, discharge part of the land comprised in such lien or charge if satisfied that the security remaining is ample for the balance remaining unpaid. Partial discharge.

(8) The certificate mentioned in subsection 7 may be registered in like manner as the original notice and upon registration thereof the lands described in the certificate shall be free from such lien or charge. 1922, c. 18, s. 4. Registration of partial discharge.

(9) The notice of lien and the certificate of discharge shall be entered and registered by the registrar or master of titles without charge. 1916, c. 11, s. 10. No charge for registration.

**24.** Where notice of a lien in respect of a loan made by the Commissioner has been heretofore registered in the Department of Lands and Forests or in the proper registry or land titles office under *The Northern and Northwestern Ontario Development Acts*, or any of them or is hereafter registered under this Act, the Commissioner shall be deemed to have and to have had from the date of the registration of such notice and he may exercise and enforce all rights, Powers as to liens heretofore registered.

privileges,

privileges, powers and remedies in the name of the Crown in the same manner and to the same extent as if the settler had executed and there had been registered against the land named in the notice of lien, a mortgage to the Crown under *The Mortgages Act*. 1923, c. 16, s. 8, *part*.

#### REGULATIONS.

**Regulations.** **25.** The Lieutenant-Governor in Council may make regulations,—

- (a) fixing the amounts from time to time chargeable to the Fund to be applied to any of the objects of this Act;
- (b) prescribing the terms and conditions upon which expenditures may be made under this Act;
- (c) prescribing the terms and conditions upon which well drilling or other services may be done for settlers and seed grain and other seeds, or hay and other feed, or cattle or other live stock, or farm implements or machinery may be distributed or supplied to settlers or farmers and as to the feeding and care of the live stock so supplied;
- (d) fixing the terms upon which loans or advances may be made under this Act and as to re-payment, security, inspection and rate of interest to be charged and the forms of notices or other documents required;
- (e) for the appointment of officers, clerks, workmen and servants in the Department and defining the conditions of employment and fixing the salaries and remuneration of such officers, clerks, workmen and servants;
- (f) fixing the amount of security to be given by any officer or other person receiving money to be accounted for under this Act;
- (f) generally for the better carrying out of the provisions of this Act.

## SCHEDULE.

1912, chapter	2	Sections 5, 6, 7, 8, 9, 10, 11.
1915, "	6	Sections 3, 4.
1916, "	11	The Whole, except sections 15 and 16.
1917, "	12	The Whole.
1918, "	8	Sections 7, 8, 9, 10.
1919, "	14	The Whole.
1922, "	18	The Whole.
1923, "	8	Section 8.
1924, "	14	The Whole.



## CHAPTER 11.

## An Act to amend The Burlington Beach Act.

*Assented to 8th April, 1926.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as *The Burlington Beach Act, 1926*.

Rev. Stat.  
c. 53, s. 10,  
subs. 5,  
amended.

Erection  
of buildings,  
etc., for park  
purposes.

2.—(1) Subsection 5 of section 10 of *The Burlington Beach Act* as amended by section 1 of the Act passed in the year 1921 chaptered 34, is further amended by inserting after the word “resort” in the fifth line, the words “and for erecting pavilions, shelters, lavatories and such other buildings as the Commission may deem expedient for the recreation, refreshment and accommodation of the public.”

Rev. Stat.  
c. 53, s. 10,  
subs. 7  
(1921, c. 43,  
s. 2),  
repealed.

(2) Subsection 7 of the said section 10 as enacted by section 2 of the Act passed in the year 1921, chaptered 34, is repealed and the following substituted therefor,—

Powers  
as to water-  
mains; con-  
nections  
with city.

(7) The Commission shall have power to construct and maintain a watermain or mains and all other necessary works to connect the beach pump-house of the corporation of the city of Hamilton with the distributing mains of The Burlington Beach Commission, and for the purpose of distributing water to the inhabitants of Burlington Beach or for the uses of the Commission, shall have and may exercise in any township in the county of Wentworth all the rights, powers and privileges of a commission elected under *The Public Utilities Act* for the construction and the control and management of waterworks, and the provisions of law applicable to a waterworks commission shall apply *mutatis mutandis* to The Burlington Beach Commission.

Rev. Stat.  
c. 53,  
amended.

3. *The Burlington Beach Act* is amended by adding thereto the following section,—

10a.—(1) The Commission, with the approval of the Lieutenant-Governor in Council may from time to time pass by-laws for contracting debts and for issuing debentures for the construction or erection of any permanent works or improvements authorized by this Act, and may include the amount required to meet the payment of such debt or debentures in the general rate levied annually by the Commission, but the total amount of any debentures so issued and outstanding at any one time shall not exceed \$100,000.

Issue of  
debentures  
by com-  
mission.

(2) The debentures may be for such amounts, and for such term and in such form and payable in such manner as the Lieutenant-Governor in Council may approve and when issued with such approval shall not be open to question in any manner whatsoever and unless otherwise directed by the Lieutenant-Governor in Council it shall not be necessary to obtain the assent of the electors or to comply with any of the provisions of *The Consolidated Municipal Act, 1922*, relating to the contracting of debts by a municipal corporation.

Form of  
debentures.

(3) The amount falling due for principal and interest in each year on account of such debentures shall be payable out of the general revenues of the Commission.

Payment of  
debentures  
out of  
revenue.

(4) The holder of every debenture or other obligation issued under the authority of this Act shall have a preferential charge or lien on the revenue of the Commission, and the Commission shall pay such debenture debts in priority to all other debts.

Security of  
debenture  
holders.

4. Section 13 of *The Burlington Beach Act* is amended by adding thereto the following subsection,—

Rev. Stat.  
c. 53, s. 13,  
amended.

(2) The provisions of *The Consolidated Municipal Act, 1922*, relating to the approval of municipal by-laws by the Ontario Railway and Municipal Board shall apply to any by-law heretofore or hereafter passed by the Commission in the same manner and to the same extent as if the Commission were a municipal corporation.

Provisions  
of 1922, c. 72  
to apply.

5.—(1) Subsection 1 of section 19 of *The Burlington Beach Act* is amended by inserting after the word "Beach" in the second line the words "and of the income of any person resident therein which is liable to assessment under *The Assessment Act*."

Rev. Stat.  
c. 53, s. 19,  
subs. 1,  
amended.

Income  
assessment.

Rev. Stat.  
c. 53, s. 19,  
amended.

(2) The said section 19 is amended by adding thereto the following subsection,—

Statute  
Labour.

(2) Subsection 1 of section 4 of *The Statute Labour Act* as amended by section 1 of the Act passed in the year 1916, chaptered 42 and by section 1 of the Act passed in the year 1917, chaptered 46, and sections 7 and 8 of the said first mentioned Act shall apply *mutatis mutandis* to Burlington Beach and to the Commission in the same manner and to the same extent as to a city, town or village and to the council thereof.

Rev. Stat.  
c. 53, s. 27,  
repealed.

6. Section 27 of *The Burlington Beach Act* is repealed.

Commence-  
ment of  
Act.

7. This Act shall come into force on the day upon which it receives the Royal Assent.



## CHAPTER 12.

## An Act respecting the Red Lake Mining Division.

*Assented to 25th February, 1926.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**1.** This Act may be cited as *The Red Lake Mining Division Act, 1926.* Short title.

**2.** The territory described and set apart in an order in council dated the 20th day of January, 1926, which order in council is published in the *Ontario Gazette* of the 30th day of January, 1926, to be known as the "Kenora Red Lake Area" shall on and from the 1st day of March, 1926, be set apart and constituted a mining division under *The Mining Act of Ontario* to be known as the "Red Lake Mining Division." Red Lake Mining Division.

**3.** The mining recorder's office at Kenora in the Kenora Mining Division shall be deemed to have been and to be down to and including the 28th day of February, 1926, the proper office in which mining claims staked out in the said territory should have been and may be recorded. Claims recorded at Kenora.

**4.** Every mining claim staked out since the 31st day of December, 1925, in the said territory and not recorded on or before the 28th day of February, 1926, in the office of the mining recorder for the Kenora Mining Division may be recorded on and after the 1st day of March, 1926, in the office of the mining recorder for the Red Lake Mining Division and the time for recording any such claim, notwithstanding anything in *The Mining Act of Ontario* contained, shall be deemed to run on and from the 1st day of March, 1926. Recording claims in Red Lake office.

**5.** The mining recorder for the Red Lake Mining Division may extend the time for recording any claim staked out in the Red Lake Mining Division since the 31st day of December, 1925, or hereafter staked out in the said mining division where he deems such extension necessary owing to difficulties in transportation or communication, but no such extension shall be for a longer period than twenty days in excess of the time Power to extend time for recording in Red Lake Division.

limited

limited by subsection 4 of section 59 of *The Mining Act of Ontario* and any such extension shall be in addition to the time allowed by section 4 of this Act for the recording of any such claim.

Changing  
limits of  
Red Lake  
Division.

**6.** The Lieutenant-Governor in Council may divide, alter or extend the limits of the said Red Lake Mining Division and shall have in respect thereof the like powers as if the said mining division had been constituted by order in council under the provisions of section 17 of *The Mining Act of Ontario*.

Commence-  
ment of  
Act.

**7.** This Act shall come into force on the day upon which it receives the Royal Assent.

## CHAPTER 13.

## An Act to amend The Unwrought Metal Sales Act, 1924.

*Assented to 8th April, 1926.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Unwrought Metal Sales Act, 1926.* Short title.

2. Section 7 of *The Unwrought Metal Sales Act, 1924*, is <sup>1924, c. 20,</sup> amended by inserting after the word "mine" in the sixth line <sup>s. 7,</sup> the words "or any museum, university, college or other educational institution," so that the section will now read as follows,—

7. This Act shall not apply to the Department of Mines, <sup>Exceptions as to application of Act.</sup> the Provincial Assay Office at Toronto or the Temiskaming Testing Laboratories at Cobalt, carried on and operated by the said Department, and the Minister may in writing under his hand and seal of office exempt any mining company or the proprietor or operator of any mine, or any museum, university, college or other educational institution from the provisions of this Act, and may at any time cancel and revoke such exemption.

3. This Act shall come into force on the day upon which <sup>Commencement of Act.</sup> it receives the Royal Assent.



## CHAPTER 14.

## An Act to vest certain lands in His Majesty.

*Assented to 8th April, 1926.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.      **1.** This Act may be cited as *The University Lands Act, 1926.*

Certain  
lands vested  
in His  
Majesty.

**2.** All and singular that certain parcel or tract of land and premises situate, lying and being in the City of Toronto in the County of York and Province of Ontario and being composed of lots numbers 28, 29, 30, 31, 32 and 33, as shown on a plan of subdivision of part of University Park made by Sandford Fleming, Provincial Land Surveyor, and which plan was registered as number D-18 in the Registry Office for the Registry Division of the City of Toronto on November 13th, 1861, is hereby vested in His Majesty the King in the right of the Province of Ontario for the general purposes of the Province, free from all covenants, conditions, restrictions, liens, charges and encumbrances, but subject as to lot 28 to the terms of a certain lease to the Academy of Medicine, Toronto, dated the 5th day of July, 1910.

Commence-  
ment of  
Act.

**3.** This Act shall come into force on the day upon which it receives the Royal Assent.

## CHAPTER 15.

An Act to revise and amend the Law for the  
Improvement of Public Highways.*Assented to 8th April, 1926.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

## PART I.

## PRELIMINARY.

**1.** This Act may be cited as *The Highway Improvement Act, 1926*, and shall come into force on the day upon which it receives the Royal Assent. Short title.

**2.** The Acts and parts of Acts set out in the schedule hereto are repealed but such repeal shall not affect the validity of any resolution or by-law heretofore passed and any such resolution or by-law may be altered or amended to conform to the provisions of this Act. Repeal.

**3.** In this Act,—

Interpre-  
tation.

- (a) "Commission" shall mean a commission appointed under this Act to designate and define suburban roads towards the construction and maintenance of which a city or town may be called upon to contribute; "Com-  
mission."
- (b) "Department" shall mean Department of Public Highways; "Depart-  
ment."
- (c) "Deputy Minister" shall mean Deputy Minister of Highways; "Deputy  
Minister."
- (d) "Fund" shall mean Highway Improvement Fund; "Fund."
- (e) "Highway" shall mean a common or public highway, and shall include a street or bridge forming part of a highway, or on, over, under or across which a highway passes, or any other structure thereon; "Highway."

(f)

"Main-  
tenance."  
"Repair."

(f) "Maintenance" or "repair" shall include the cleaning of any highway or the removal of snow;

"Minister."

(g) "Minister" shall mean Minister of Public Works and Highways;

"Roadway."

(h) "Roadway" shall mean and include the paved, metalled or travelled portion of the highway, together with any ditches, drainage or other construction incidental thereto.

"Road  
authority"

(i) "Road authority" shall mean the Department, a municipal corporation, board, commission or other body having control of the construction, improvement, alteration, maintenance and repair of a highway and responsible therefor.

#### DEPARTMENT AND ADMINISTRATION.

Department  
continued.

4. The Department of Public Highways heretofore established shall be continued and shall be presided over by the Minister. 1915, c. 17, s. 4.

Deputy  
Minister.

5. The Lieutenant-Governor in Council may from time to time appoint a Deputy Minister of Highways who shall perform such duties in the Department as may be assigned to him by the Lieutenant-Governor in Council or by the Minister. 1915, c. 17, s. 5, *part*.

Oath of  
deputy.

6. The Deputy Minister shall, before entering upon the duties of his office, take an oath faithfully to discharge the same, which oath shall be administered by the Minister or by any person appointed by the Lieutenant-Governor in Council for that purpose. 1915, c. 17, s. 6.

Secretary  
and staff.

7. The Lieutenant-Governor in Council may appoint a secretary of the Department and such engineers, surveyors and other officers, clerks and servants of the Department as may be deemed necessary and may prescribe their duties and fix their salaries or other remuneration which shall be payable out of any moneys appropriated by the Legislature for that purpose. 1915, c. 17, ss. 7, 8.

Agreements  
as to appli-  
cation of  
provincial  
subsidies

8. The Lieutenant-Governor in Council may enter into an agreement with the Governor in Council, or with any member of His Majesty's Privy Council for Canada acting for and on behalf of the Governor in Council, for the application to the cost of any work under this Act, of such subsidy or subsidies, or any part of such subsidy or subsidies as may be appropriated for highway improvement by the Parliament



of Canada, and the Minister may vary the proportionate amounts to be paid by Ontario and by municipalities under this Act, by reason of such subsidy or subsidies, and may vary the conditions under which payment shall be made for construction, repair or maintenance, in consequence of such agreement. 1919, c. 17, s. 8.

#### HIGHWAY IMPROVEMENT FUND.

9. There shall be a Fund to be known as the "Highway Improvement Fund" and there shall be kept on the books of the Treasurer of Ontario an account to be known as the "Highway Improvement Fund Account." 1920, c. 20, s. 2.

Fund and special account.

10.—(1) In addition to all sums of money heretofore set apart and appropriated by the Legislature for the improvement of public highways there shall be placed to the credit of the Fund in the said account,—

How made up.

(a) a sum in every fiscal year equal to the gross receipts of the Province from motor vehicle permits and licenses and all other sources of revenue under *The Highway Traffic Act*;

(b) a sum equal to all repayments to the Province on account of amounts chargeable to or received from municipalities, individuals, companies or corporations by reason of any work performed or expenditures incurred or materials or property sold or fees or fines imposed under any of the provisions of Part V of this Act and the regulations made thereunder;

(c) a sum equal to any subsidy or payments received from the Government of Canada under *The Canada Highways Act*; See 1920, c. 20, s. 3 (1), *part*.

(d) a sum equal to any revenue collected by the Province under *The Gasoline Tax Act, 1925*, and the regulations made thereunder.

(2) The sums mentioned in clauses *a, b, c* and *d* of subsection 1 shall be credited to the Fund annually as of the 1st day of November in each year and shall be computed upon the gross receipts from the sources designated in the said clauses in the next preceding fiscal year. See 1920, c. 20, s. 3 (2), (3).

How credits to be made.

(3) Whenever directed so to do by the Lieutenant-Governor in Council the Treasurer of Ontario shall place to the credit of the fund such additional amounts as may be required from

When additional sums required.

Payments  
out of fund.

time to time to meet the payments which may be authorized to be made out of the Fund, but such amounts shall not at any time exceed in the whole the sum which might be repaid with interest and sinking Fund charges by an annual payment for twenty years of the sum of \$2,000,000.

(4) All payments which shall be made under this Act, except those for which an annual appropriation is made by the Legislature shall be payable out of the Consolidated Revenue Fund and shall be chargeable to the Fund and be debited to The Highway Improvement Fund Account.

Annual  
statement to  
Assembly.

11. There shall be laid before the Assembly by the Treasurer of Ontario at the commencement of each Session, a statement showing all sums credited to the Fund and all payments chargeable thereto during the fiscal year next preceding and the balance at the credit of the Fund at the close of the said fiscal year. 1920, c. 20, s. 3 (5).

#### HIGHWAY COMMITTEE.

Highway  
Committee,  
appoint-  
ment of.

12.—(1) The Lieutenant-Governor in Council may appoint from among the members of the Assembly a Committee of three persons, who shall be known as the "Highway Committee."

Duties of  
Committee.

(2) It shall be the duty of the Highway Committee whenever requested so to do to consult with the Minister as to the administration of any Act of the Legislature respecting the construction, maintenance and operation of highways by municipal corporations or by the Province and to assist him by their recommendations and suggestions for improvements and amendments in the said Acts and the administration of the same.

Committee  
to visit  
and inspect  
highways.

(3) The Committee at the request of the Minister shall personally visit and inspect any highway or any district through which it is proposed to construct, improve or extend any highway under any of the said Acts.

Minister  
and Deputy  
Minister  
to be  
members of  
committee.

(4) The Minister and Deputy Minister shall be *ex-officio* members of the Committee and the Minister, or in his absence the Deputy Minister, shall preside at all meetings of the committee.

Travelling  
and living  
expenses.

(5) The members of the committee shall serve without remuneration, but an allowance of \$15 per diem to cover living and travelling expenses while absent from home in the

performance

performance of the duties of the committee shall be paid to each of the members of the Assembly serving on the committee and the receipt of such allowance shall not vacate the seat of any such member nor disqualify him or render him ineligible to sit and vote as a member of the Assembly, anything in *The Legislative Assembly Act* to the contrary notwithstanding. 1924, c. 28, s. 2, *part*.

## PART II.

### COUNTY ROAD SYSTEMS.

**13.**—(1) Subject to the approval of the Lieutenant-Governor in Council as hereinafter provided the council of a county may by by-law adopt a plan of county road improvement and establish a county road system throughout the county by assuming roads in any municipality in the county and may include in such system such boundary line roads or portions thereof between the county and any other county, or between the county or a city or separated town, as may be agreed upon by the municipalities interested and the by-law shall designate the roads to be assumed or improved or intended to form or be added to the county road system.

*By-law establishing county road system.*

(2) The by-law shall provide for the levying of a general annual rate upon all the municipalities in the county not separated therefrom for municipal purposes unless the Minister is of opinion that on account of the remoteness of any municipality from the roads included in the county road system it is inequitable that the rate should be levied in such municipality, in which case the by-law shall exempt such municipality accordingly.

*General rate.*

(3) All moneys raised under such by-law shall be applied in the construction, improvement, maintenance and superintendence of roads included in the county road system and in making provision for the necessary plant, machinery or appliances to be used in such work.

*Application of proceeds of rate.*

(4) Where a county road system is established under this section the council shall appoint a committee of not more than five persons, residents of the county, but who need not be members of the council, for the purpose of overseeing the work to be done on the county road system.

*County Road Committee.*

(5) The administration and management of the county road system shall be vested in an officer to be appointed by the county council to be known as the county road superintendent, who shall be an engineer approved by the Minister,

*County Road Superintendent.*

and



and the county road superintendent shall act under the direction of the county road committee.

- (a) Every engineer hereafter appointed by the council of a county, in pursuance of this section, shall be a graduate in civil engineering of a university of recognized standing, or a member of the Engineering Institute of Canada, or an Ontario land surveyor. 10 Geo. V, c. 20, s. 1.

Payment  
how to be  
made.

- (6) The disbursement of all moneys for works on or pertaining to the county road system shall be made by the county treasurer only on the certificate of the county road superintendent approved by the county road committee as certified under the hand of the chairman thereof.

Amendment  
of by-laws  
heretofore  
passed.

- (7) Where a by-law has been heretofore passed for the purpose of establishing a county road system the council of the county, with the approval of the Lieutenant-Governor in Council, may amend such by-law in accordance with the foregoing provisions of this Part.

Members  
of councils  
not to be  
appointed

- (8) No member of the council of the county and no member of the council of any local municipality in the county shall be appointed as county road superintendent, or be employed by the county road superintendent in any capacity, and any such member who is appointed, or who acts or is employed in contravention of this section shall be disqualified from sitting or voting in the council of which he was a member at the time of his appointment or employment. 2 Geo. V, c. 11, s. 2. 4.

When  
assent of  
electors not  
required.

- 14.—(1) Where a by-law passed under section 13 has received the assent of two-thirds of the members of the council of the county present and voting thereon, representing at least one-half of the total equalized assessment of the county, it shall not be necessary to submit the same to the electors of the county, but if before the final passing of the by-law the same has been submitted to and has received the assent of the electors of the county qualified to vote on money by-laws such by-law may be finally passed by a majority of the members of the council present and voting thereon; and a by-law so submitted to the electors may after such submission or after the final passing thereof be amended by the council in order to comply with any direction or requirement of the Minister, and it shall not be necessary to submit any such amending by-law to the electors. R.S.O. 1914, c. 40, s. 11; 1919, c. 18, s. 6.

Where repre-  
sentatives  
of local  
municipality  
differ.

- (2) Where two or more members of the council represent one local municipality and do not vote in the same manner for or against the by-law the equalized assessment of such

municipality

municipality shall be proportionately divided in ascertaining the amount of the equalized assessment represented by members of the county council assenting to such by-law. 1919, c. 18, s. 7.

**15.—**(1) The council of a county may from time to time Debentures. pass by-laws to raise by debentures, payable in not more than twenty years in the manner provided by *The Consolidated Municipal Act, 1922*, such sums as may be necessary to meet the estimated expenditure for the construction and improvement of highways under this Act not exceeding five per centum of the equalized assessment of the county, or the council may by by-law provide that the required amount shall be raised in equal annual instalments by a general county rate levied in each successive year for a period not exceeding ten years but such amount shall not exceed five per centum of the equalized assessment of the county and the provisions of this Act shall apply to any money heretofore or hereafter so provided as fully as if debentures had been issued whether a by-law transferring such money to a special account under this Act has or has not been passed.

(2) Where a by-law to raise money by the issue of debentures or by an annual rate for a term of years has received the consent of two-thirds of the members of the council present and voting thereon it shall not be necessary to submit the same to the electors of the county as required by *The Consolidated Municipal Act, 1922*, and this subsection shall be deemed to be in force as from the 24th day of April, 1919. When assent of electors not required.

(3) The council of the county may agree with any chartered bank or loan or trust corporation or with any person for temporary advances to meet the cost of the work in progress, but the total of such temporary advances shall not exceed in any one year the amount to be provided by the corporation of the county, together with the proportion of aid to be received from the Province, and the amount receivable from cities and towns as contributions from suburban roads under Part III. Temporary advances.

(4) In addition to or in substitution for any amount which may be raised under subsection 1, the council of a county may raise in any year by general county rate such sums as the council may deem necessary for the purposes mentioned in the said subsection. 1920, c. 20, s. 5, *part*. Raise funds by general rate.

(5) The limitation of county debentures which may be issued under subsection 1 to five per centum of the equalized assessment of the county shall apply only as to the amount of debentures outstanding at any time and such limitation Limitation of debt.

shall



shall be exclusive of debentures the proceeds of which are applied to expenditure within the limits of an urban municipality. 1922, c. 27, s. 3.

Application  
of proceeds  
of debentures.

Liability  
for mis-  
application.

(6) Money raised by the issue of debentures for road construction under authority of this Act shall be applied solely for that purpose, and shall not be used in paying any part of the current or other expenditure of the corporation, or for road repair or maintenance and if the council applies any of such money in paying current or other expenditure, or for road repair or maintenance, the members who vote for such application shall be personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

Action of  
ratepayer.

(7) If the council, upon the request in writing of a ratepayer, refuses or neglects for one month to bring an action therefor, the action may be brought by any ratepayer on behalf of himself and all other ratepayers.

Disqualifi-  
cation of  
members of  
council.

(8) The members who vote for such application shall be disqualified from holding any municipal office for two years.

Submission  
of by-law for  
approval.

**16.** The corporation of the county shall submit the by-law for the improvement of county roads or the establishment of a county road system to the Minister for approval by the Lieutenant-Governor in Council and upon receipt of the application for such approval the Minister may obtain such report upon the plan adopted by the county council as he may deem necessary and may hear the council of any local municipality which may be dissatisfied therewith before presenting the application for consideration to the Lieutenant-Governor in Council. R.S.O. 1914, c. 40, s. 12; 1920, c. 20, s. 11, *part*.

Approval  
or amend-  
ment.

**17.** The Lieutenant-Governor in Council may approve the by-law in whole or in part and where the by-law is so approved in part only, it shall be enforced and take effect so far as approved, but it shall not be necessary for the council of the county to pass any further by-law amending the original by-law or repealing any portion thereof which has not been so approved.

Annual  
statement of  
Minister.

**18.—(1)** Where a plan of highway improvement approved by the Lieutenant-Governor in Council under this Act is being carried out the county council shall annually and may at any time during the progress of the work submit to the Minister in such form as the regulations of the Department may require, a statement containing,—

(a) a classified return prepared by the county road superintendent showing the receipts and expenditures in carrying out such plan, including the payment of grants authorized by this Act;

(b)



- (b) a declaration of the county road superintendent that such classified return is correct and that the work has been done in the manner prescribed by the regulations of the Department;
- (c) a declaration of the treasurer of the county as to the correctness of the statement of receipts and expenditures shown in the superintendent's return;
- (d) a certified copy of the resolution of the council authorizing a petition for the payment of the grant;
- (e) a petition for the payment of the grant, and on receipt of such statement and certificates by the Treasurer of Ontario certified and approved by the proper officer of the Department;

the Minister may direct the payment to the corporation of the county of a sum equal to fifty per centum of the amount of such expenditure or such other proportion as may be authorized by this Act, or any other statute. 1922, c. 27, s. 2; 1925, c. 26, s. 4 (1).

(2) In estimating the amount of the grant or subsidy to which the municipal corporation is entitled under this Act, the salary of the county road superintendent, his travelling expenses, the purchase of additional right of way, the laying and operation of railway switches and sidings, the purchase of property, plant, machinery and the repair thereof, and any other expenditure of a general character shall be treated in full as expenditure for construction, and in all cases of doubt or dispute with regard thereto, the decision of the Minister shall be final. 1917, c. 13, s. 4 (3). *Amended.*

**19.**—(1) The treasurer of every county shall, before the 1st day of March in each year, make up and transmit to the Minister a detailed and audited statement of all expenditure upon or in connection with county roads or bridges for the next preceding year.

(2) The statement shall be in such form as the Minister may direct. R.S.O. 1914, c. 40, s. 27 (1-2).

**20.** All highways designated and assumed by a county council in accordance with section 13, shall be maintained and kept in repair by the corporation of the county in which they are situate, and in all cases of doubt or dispute as to what constitute works of maintenance or repair, and what constitute works of construction and the purchase and maintenance and repair of road machinery, plant and equipment, properly chargeable under this Act, the decision of the Minister shall be final. R.S.O. 1914, c. 40, s. 22; 1925, c. 26, s. 9.

Aid to  
mainten-  
ance of  
county  
roads.

**21.** All sums of money expended by the corporation of a county upon the maintenance and repair of roads in any system of roads assumed by by-law of the council of the county under this Act may be included in the statement of expenditure mentioned in section 18 and the Minister may direct the payment to the corporation of the county out of the Fund, of a sum equal to fifty per centum of the amount of such expenditure, but no payment shall be made to the corporation of a county under this subsection unless the regulations of the Department with respect to maintenance and repair have been complied with by the corporation of the county. 1915, c. 17, s. 10 (1); 1920, c. 22, s. 2; 1925, c. 26, s. 15.

County  
expenditure  
may include  
ferry service.

**22.** Expenditure for which the corporation of any county may be entitled to aid to county roads under this Act, may include the maintenance by the county of a ferry service which forms a connecting link of a county road system, or forms a link between county road systems of adjacent counties, and may also include the cost of purchasing, establishing and equipping such ferry service, but when so aided, the equipment, service, and tolls therefor, shall be subject to the regulations and approval of the Department. 1922, c. 27, s. 6.

Cost  
of bridges.

**23.**—(1) The council of a county while carrying on work under this Act may by by-law assume,—

(a) any bridge of fifty feet in span or over on a boundary line, or any road used in lieu thereof, between local municipalities in the county, or on county boundary lines, or any road used in lieu thereof, other than bridges in cities or separated towns;

(b) any bridge within a local municipality of a county that has been declared a county bridge in accordance with section 449 of *The Consolidated Municipal Act*, 1922;

and when the by-law has been approved by the Minister the Minister may direct the payment to the corporation of the county out of the Fund of a sum equal to forty per centum of the expenditure involved in replacing any such bridge in accordance with plans approved by the Department. 1924, c. 27, s. 10; 1925, c. 26, s. 13. *Amended.*

Diverting  
road to avoid  
construction  
of bridge

(2) The council of a county where it deems it expedient and with the approval of the Lieutenant-Governor in Council may by by-law provide for the closing of any such bridge entirely or the substitution therefor of any other structure and for that purpose shall possess and may exercise as to

such

such bridge or other structure and the approaches thereto all the powers of the council of a county as to highways and bridges included in a county road system.

**24.** Where a county road intersects a highway which is not a county road the continuation of the county road to its full width across the road so intersected, including the bridges and culverts thereon or touching thereon, shall be a part of the county road system except in the case of an intersection by a county road of a provincial highway, and in that case the full width of the intersection shall be deemed to be part of the provincial highway as provided by section 53. R.S.O. 1914, c. 40, s. 19; 1925, c. 26, s. 8.

Intersection of other highways by county road.

**25.** The corporation of a county shall not by reason of assuming a highway under this Act be liable for the building, maintenance or repair of sidewalks on any county road or portion thereof. R.S.O. 1914, c. 40, s. 20.

Sidewalks excepted. —

**26.** When any highway leading or adjacent to any town separated from the county is or is to be assumed, purchased, expropriated, widened, straightened, reconstructed or otherwise improved or requires the expenditure of a greater amount for maintenance and repair to meet the requirements of increased, heavy, constant or other extraordinary traffic to or from the town, beyond the requirements which, but for the existence of such town, would be deemed those of a standard highway for the locality, the corporation of the town by by-law passed with the assent of at least two-thirds of the members of the council thereof may agree with the corporation of the county to contribute such additional cost, or a proper proportion of the cost, or that the amount of the contribution of the town shall be determined by arbitration under *The Consolidated Municipal Act, 1922*, and may, without the assent of the electors, provide by by-law for the issue of debentures payable in not more than twenty years from the date of the issue thereof to raise the amount agreed upon or awarded, or may agree with the corporation of the county for the payment of such amounts in annual instalments to be raised by annual special rate upon the rateable property in the city or town. R.S.O. 1914, c. 40, s. 25; 1919, c. 18, s. 9.

Contribution of cities, etc., to improvement of county roads.

**27.**—(1) The council of any township, town or incorporated village may enter into an agreement with the council of the county providing for wider pavement or other special construction upon a county road in such township, town or incorporated village and the agreement may provide that the cost of the work over and above the amount paid by the county under the provisions of this Act and amendments thereto shall be assessed under and according to the provisions of *The Local Improvement Act* against the owners to be specially

Agreement between local municipality and county for extra construction work.

benefited



benefited and against the township, town or incorporated village respectively according to the report of an engineer.

Debentures  
for excess  
cost to  
local muni-  
cipality.

(2) The council of the township, town or incorporated village may pass by-laws to raise by debentures, payable in not more than twenty years such sum as may be necessary to meet such excess cost and such debentures shall be a debt payable by the corporation, but the rate for the payment of any debentures so issued shall be levied and collected upon and from the property liable to assessment in the said township, town or incorporated village according to the assessment made by such engineer.

Excess cost  
not to be  
credited to  
county in  
naming  
subsidy.

(3) The excess cost of any widening or special construction under this section over and above the amount paid by the corporation of the county shall not be deemed to form part of the expenditure for which the corporation of the county is entitled to aid under this Act, unless specifically agreed to in writing by the Minister before the work is commenced. 1925, c. 26, s. 14.

Where  
improved  
highway  
ceases to be  
important.

**28.** Where the Minister is of opinion that any highway or section of a highway assumed by a county council under this Act, has ceased to be, or for some other reason is not of sufficient importance to be constructed and maintained as a county road, such highway or section thereof may be struck off the approved plan of county roads by the Lieutenant-Governor in Council, and such highway or section thereof shall thereupon revert to the corporation of the local municipality in which the same is situate. R.S.O. 1914, c. 40, s. 23.

Urban  
extension or  
connecting  
roads.

Extent of  
liability of  
county.

Cost  
of work,—  
proportion  
to be part  
of county  
expenditure.

**29.—(1)** Where a street in any urban municipality not separated from the county is not a part of the county road system but is an extension of or connects different portions of roads included in the county road system, the county shall construct or improve the roadway on such street to the extent of twenty feet in width and shall assume the cost thereof, and the expenditure thereon, to the extent approved by the Minister, shall form part of the expenditure in carrying out the plan of highway improvement in the county for the purpose of ascertaining the amount of aid which may be granted to the county under this Act, but no such work shall be performed by the county unless and until an agreement has been entered into with such urban municipality.

Extent of  
liability  
of urban  
municipality.

(2) Where the roadway on such street exceeds twenty feet in width all expenditure thereon rendered necessary by such excess width and all other special work on the street shall be borne by the urban municipality.

Agreement  
to be  
entered into.

(3) The corporation of the urban municipality shall not proceed with the work until an agreement with the county has

been

been entered into in such form as the Minister may prescribe or approve.

(4) Where any street described in subsection 1, is part of the county road system, the council of the county shall undertake the work as proposed by the council of the municipality and the urban municipality shall pay its proportion of the cost of the work to the county upon the report of the county road superintendent and the requisition of the county road committee. Where urban street forms part of county system.

(5) An urban municipality situate within a county, but not separated therefrom for municipal purposes, whether there is or is not any such county road extension or connection in such urban municipality, shall be subject to the annual general levy for county road purposes under the by-law mentioned in section 13, but the council of the county shall on or before the 1st day of April in each year remit, in the case of a town, fifty per centum, and in the case of a village seventy-five per centum of the amount raised by such rate in the town or village in the previous year less the cost of the repairs, if any, done by the county upon any such county road extension or connecting link or upon any road in such urban municipality included in the county road system during the previous year. Allowance to town or village.

(a) Any moneys so received by the town or village shall be expended upon streets in the municipality designated by the Minister.

(b) No such rebate shall be made for any year during which the construction or rebuilding of any such extension or connecting link has been undertaken by the county in the town or village.

(6) Subject to the provisions of subsection 5, the amount so repaid by the county shall be deemed to form part of the expenditure in carrying out a plan of highway improvement in the county for the purpose of ascertaining the amount of aid which may be granted to the county under this Act. Refund by county to be part of expenditure on system.

(7) The provisions of subsection 5 shall not apply to an urban municipality which is receiving, or has heretofore received under an agreement with the county council special grants for the purpose of road improvement in the urban municipality until the calendar year following that in which such agreement expires. 1925, c. 26, s. 3. *Amended.* Proviso as to application of sub-section 5.

**30.**—(1) Sections 465 and 467 of *The Consolidated Municipal Act, 1922*, shall not apply to a bridge or highway crossing or forming a boundary line between counties or between a Disputes as to maintenance, etc., of bridges and highways.

county and a city or separated town, where the county in the latter case, or one or more of such counties in the former case have adopted a plan for the improvement of highways pursuant to the provisions of this Act, and such plan includes such bridge or highway.

Disputes as to county boundary lines and bridges.

(2) Whenever there is a difference between two or more municipalities in respect of any such bridge or highway as to the corporation upon which the obligation rests, as to the building, maintaining or keeping in repair of such bridge or highway, or as to the proportions in which the corporations should respectively contribute thereto, or where the councils of two or more municipalities are unable to agree as to any action, matter or thing to be taken or done in respect of such bridge or highway, every such difference shall be determined by the Ontario Railway and Municipal Board upon an application by any corporation interested in such bridge or highway.

Hearing by Ontario Railway and Municipal Board.

(3) The Board shall appoint a day for the hearing of such application, of which ten days' notice in writing shall be given to the clerk of each municipality interested and shall, at the time and place appointed, hear and determine all matters in difference between the said municipalities in regard to such bridge or highway, and the board may make such order in regard to the same as it may deem just and proper, and may by such order fix and determine the amount or proportion which each municipality shall pay or contribute toward the building, maintaining and keeping in repair of such bridge or highway.

Term of Order.

(4) An order made by the Board under this section shall be and remain binding upon all the municipalities interested for such period as the board may determine. 1920, c. 20, s. 8.

Powers as to snow fences.

**31.** A county council shall in respect to county roads have all the powers conferred on townships, cities, towns and villages under *The Snow Fences Act*. R.S.O. 1914, c. 40, s. 21 (1).

Powers of county council over roads assumed.

**32.** The corporation of the county shall, in respect to the roads included in a county road system, have all the rights, powers, benefits and advantages conferred either by by-law or contract or otherwise, upon the corporation of the local municipality or the corporations of the local municipalities which had jurisdiction over such roads before they were assumed by the corporation of the county, and the corporation of the county may sue upon such rights or under such agreements or by-laws in the same manner and to the same extent as the local municipality or municipalities might have



done if such roads had not been adopted as county roads. R.S.O. 1914, c. 40, s. 21 (2).

**33.** Where, in the exercise of its powers or in the performance of its obligations under this Act, the corporation of a county finds that it is necessary to expropriate land for the purpose of opening up, widening, altering or diverting a county highway, the corporation may, instead of the procedure provided by *The Consolidated Municipal Act, 1922*, proceed in the manner provided by *The Ontario Public Works Act* in the case of lands taken by the Minister of Public Works and Highways for the purposes of Ontario without the consent of the owner of such lands, and the provisions of *The Ontario Public Works Act* shall *mutatis mutandis* apply, and the powers and duties of the Minister of Public Works and Highways, as set out in the said *The Ontario Public Works Act* may be exercised and performed in the name of the corporation of the county. 1922, c. 26, s. 2, *part*; 1925, c. 26, s. 12. *Amended.*

Procedure on expropriation of land.

**34.** The plan and description of the lands taken, required by section 18 of *The Ontario Public Works Act*, to be deposited in the registry office, shall be signed by the warden and treasurer of the county, or by an Ontario land surveyor, and upon the deposit of the said plan and description the land shall become and be vested in the corporation of the county. 1922, c. 26, s. 2, *part*.

Plan and description, filing of.

**35.** The Minister may enter into an agreement with the Department of Indian Affairs of the Government of Canada for the construction and improvement under the supervision of the Department of Public Highways and in accordance with the regulations and specifications of the Department of a road in any township or any portion of a township constituting an Indian Reserve where such road forms an extension of or connecting link in a county road system and for the payment, upon the certificate of the Minister, of fifty per centum of the cost of any work done under such agreement, such payment to be chargeable to the Highway Improvement Fund in the same manner and subject to the like provisions as set out in section 18. 1925, c. 26, s. 17.

Agreement with Indian Department for roads on Reserve.

### PART III.

#### SUBURBAN ROADS.

**36.** The Lieutenant-Governor in Council, upon application of the council of any county having or adopting a system of county roads under this Act, may direct that a commission or commissions be selected as in section 40 provided, in the

System of suburban roads under commission.

case of each city or town separated from the county, and it shall be the duty of the commission or commissions to designate and define the suburban roads or portions thereof in the county system towards the construction and maintenance of which the city or town shall contribute. 1915, c. 17, s. 12.

Roads to  
be county  
roads.

**37.**—(1) Roads designated as “suburban roads” shall continue to be county roads under the jurisdiction and control of the county council, the work thereon to be under the supervision of the county engineer or road superintendent, but subject to the direction of the commission appointed for that purpose, and the sums expended for construction and maintenance may be included in the statements of expenditure as provided in section 18 of this Act, upon which the grants payable by the Province will be estimated and paid. 1915, c. 17, s. 15.

Engineer  
of commis-  
sion may  
super-  
vise  
work on  
suburban  
roads.

(2) The work on suburban roads may be carried on under the supervision of a qualified engineer employed for that purpose by the commission in place of the county road superintendent, and all the provisions of this Act and regulations made under the said Act shall apply to such engineer in the same manner as to a county road superintendent, and the certificate of such engineer with respect to work and expenditure upon suburban roads under the jurisdiction of the Minister shall be accepted in lieu of the declaration of the county road superintendent as required by section 18. 1920, c. 22, s. 4.

Contrib-  
ution to  
suburban  
roads.

**38.**—(1) Subject to the provisions of the following subsections, expenditure upon all work upon suburban roads outside the limits of a city or town shall be borne by the county, city or town and the Province, in the proportion of twenty-five per centum by the county, twenty-five per centum by the city or town and fifty per centum by the Province. 1920, c. 22, s. 5, *part*; 1925, c. 26, s. 16 (1).

Limit of  
contribution  
of city or  
town.

(2) Except as provided in subsection 3, the amount to be contributed by the city or town shall not exceed the proceeds of an annual rate of one-half mill on the dollar of the value of the rateable property of the city or town, according to the last revised assessment roll.

Additional  
contribution  
by city or  
town.

(3) The council of any city or separated town, where a commission has been directed as provided by section 36, may in any year, by a by-law passed by a vote of at least two-thirds of the members present and voting thereon, appropriate for work upon suburban roads a sum not exceeding the proceeds of a rate of two mills on the dollar on the value of the rateable property in such city or town according to

the last revised assessment roll; but such by-law shall not be passed until the council of the county shall have appropriated an equal amount for the like purposes to be expended in the same year.

(4) Roads designated as suburban roads by the commission appointed as provided by this Act, shall be maintained and repaired from the time of such designation at the cost of the Province and of the corporations in the proportions fixed by subsection 1. 1920, c. 22, s. 5, *part*; 1925, c. 26, s. 16 (3). Maintenance and repair from time of designation.

(5) An appropriation for the purposes mentioned in this section may be made by resolution of the council of the county and may be made before the designation by the commission of the roads upon which the appropriation is to be expended. 1920, c. 22, s. 5, *part*. Appropriation may be by resolution of any council.

**39.** No error or omission or insufficiency in the procedure provided for by this Act shall relieve a corporation of a county or of a city or separated town from liability to contribute towards the construction and maintenance of suburban roads designated by the commission as provided by this Act, and the treasurer of a city or town which is liable to contribute towards the construction and maintenance of suburban roads, as provided in this Act shall, not later than the 1st day of November in every year, forward to the treasurer of the county an amount equal to the amount appropriated by the council of the county for the construction and maintenance of such suburban roads in that year; but the amount of such contribution shall be limited as provided by section 38. 1920, c. 22, s. 6. Informalities not to invalidate proceedings.

**40.**—(1) The laying out, construction, maintenance and repair of county roads within the suburban area outside of any city or town and the expenditure thereon, shall be directed by a commission representing the county and the city or town and appointed as hereinafter provided. Commission.

(2) Where a city or town has a population of less than 50,000, the commission shall be composed of three persons, one to be appointed by the council of the city or town, one by the council of the county, and the third to be agreed upon by the two members so appointed, and in default of such agreement to be appointed by the Lieutenant-Governor in Council. How composed in case of city or town of less than 50,000.

(3) In the case of a city having a population of 50,000 or over, the commission shall be composed of two members to be appointed by the council of the city, two by the council City of 50,000 or over.



of the county and one to be agreed upon by the members so appointed, and in default of such agreement to be appointed by the Lieutenant-Governor in Council. 1915, c. 17, s. 17.

Time  
for making  
appoint-  
ments.

(4) The councils of the city, town and county shall make their appointments of members to the commission, upon receipt of notice from the clerk, within thirty days after the passing of the Order-in-Council.

Term  
of office.

(5) The members so appointed to a commission shall hold office for a term of five years from the date of the Order-in-Council authorizing the commission and no longer and at the expiration of the said period and thereafter at the expiration of every period of five years the members of the commission shall be appointed as in this section provided but any member of the commission shall be eligible for re-appointment.

Appoint-  
ment to  
commission  
where  
county, city  
or town  
makes  
default.

(6) Where the council of a city, town or county fails to make any appointment of a commissioner as in this section provided, such appointment may be made by the Lieutenant-Governor in Council.

Removal of  
suburban  
road com-  
missioners.

(7) A member of the commission appointed by the council of the county, city or town, may be removed and another commissioner appointed in his place by a vote of two-thirds of the members of the council present and voting thereon at any regular meeting of the council, provided that notice of the intention of the council to determine the question of such removal has been given at the next preceding meeting of the council.

Vacancies.

(8) Where a member for the commission dies, or resigns, or is removed, the body or authority by which such member was appointed shall appoint some other person to fill the vacancy for the remainder of the term for which such person so dying, resigning or removed was appointed.

Incorporation and  
name.

(9) Every commission constituted under this section or under section 36 shall be a body corporate, and the name by which each such commission is to be designated shall be fixed by the Lieutenant-Governor in Council. 1918, c. 17, s. 1.

Deposit of  
plan in  
Department.

(10) A plan and description of the system of suburban roads designated by the commission shall be deposited by the commission in the Department within six months from the date of the order in council, authorizing such commission, and after the approval thereof by the Minister no alterations or amendment thereof shall be made by the commission until approved in a like manner. 1920, c. 22, s. 8.

**41.** Notwithstanding anything contained in *The Consolidated Municipal Act, 1922*, or in any other general or special Act of this Legislature, or in any municipal by-law, a person who is a member of a municipal council shall not be a member of any commission appointed under section 40. 1924, c. 28, s. 3.

Member of municipal council not eligible as member of commission.

**42.** In the case of a city having a population of 50,000 or over, the suburban area may be extended beyond the county in which the city is situate and may include roads outside of the county the improvement of which will be of benefit to the city. 1915, c. 17, s. 18.

Extension of suburban area into another county.

## PART IV.

### TOWNSHIP ROADS.

**43.—(1)** The council of any township municipality in which statute labour has been abolished by by-law shall, by by-law, appoint a township road superintendent who, subject to the direction of the council, shall lay out and supervise all work and inspect all roads within the exclusive jurisdiction of the township council, and the Minister may direct that out of the Highway Improvement Fund fifty per centum of the salary and expenses of such superintendent paid by the township shall be reimbursed by the Province.

Township road superintendent, appointment and salary.

(2) A copy of the by-law of the municipality making such appointment shall be transmitted to the Department within thirty days of the passing thereof, and shall be subject to the approval of the Minister.

By-law for appointment.

(3) The superintendent appointed under this section shall conform to such general regulations as the Department may prescribe.

Superintendent to obey regulations.

(4) The council of any township in which statute labour has been abolished by by-law may annually submit to the Department a statement showing the amount of salary or wages so paid under this section, together with the declaration of the treasurer that such statement is correct and also the declaration of the superintendent that he has *bona fide* performed the duties of the superintendent, and on receipt of such statement and certificates, certified by the proper officer of the Department, the Minister may direct the Treasurer of the Province of Ontario to pay to the corporation of such municipality the amount to which the municipality may be entitled under this Act. 1924, c. 27, s. 2, *part*.

Annual statement to Department.

(5) A member of the council of any local municipality in the county shall not be appointed or act as road superintendent or be employed by the township road superintendent in any

Councillors disqualified as township road superintendent.

capacity,

capacity, and any such member who is appointed or who acts or is employed in contravention of this section shall forfeit his seat and be disqualified from sitting in the council of which he was a member at the time of his appointment or employment. 1925, c. 26, s. 18. *Amended.*

Grants in aid of township road work.

Rev. Stat., c. 41.

**44.** The council of a township which has abolished statute labour and in which money is not being expended under *The Colonization Roads Act* may submit to the Department for approval such plans, specifications or by-laws as the Department may require for any or all of the following purposes of road construction, improvement or repair, namely,—

- (a) Grading;
- (b) Drainage for road purposes;
- (c) Gravelling, metalling with broken stone, or the construction of any approved kind of road surface;
- (d) Dust prevention, by oiling, tarring or other approved means;
- (e) The systematic maintenance or repair by dragging, gravelling or other approved means;
- (f) The construction, reconstruction or substantial improvement of culverts, bridges and approaches thereto;
- (g) The opening of a new road or the re-locating, widening or straightening of any existing road;
- (h) The purchase of gravel pits, stone quarries, materials, equipment and machinery;
- (i) Such other purposes of highway improvement as the Minister may approve. 1920, c. 22, s. 9, *part*; 1924, c. 27, s. 5.

Application for subsidy.

**45.—(1)** When approved by the Department, the work or expenditure of any class mentioned in the next preceding section shall be carried out in accordance with the regulations of the Department with regard thereto, and upon the completion of any such work or expenditure, the council of the township may submit to the Department an application for a provincial subsidy equivalent to thirty per centum of the amount of the township funds expended thereon. 1920, c. 22, s. 9, *part*; 1924, c. 27, s. 6.



(2) The Minister may enter into an agreement with the Department of Indian Affairs of the Government of Canada for the appointment of a road superintendent to supervise the construction, improvement and maintenance in accordance with the regulations and specifications of the Department of Public Highways of the roads in any township, or any portion of the township constituting an Indian reserve, whereupon the subsidy of 30 per centum towards road expenditure and 50 per centum towards superintendent's salary, as authorized by this Act representing township roads may be available under like conditions to roads in the said Indian reserve.

Agreement  
with Indian  
Department  
for roads on  
Reserves.

**46.** The application of the township council shall include the following particulars,—

Particulars  
to be  
furnished.

- (a) a statement of the expenditure in such detail as the Department may require;
- (b) a resolution of the township council endorsing such statement and authorizing the reeve and clerk to sign and submit it to the Department;
- (c) the declaration of the township treasurer that the statement of expenditure is true and correct;
- (d) the declaration of the township road superintendent that the work has been carried out, or the expenditure made in accordance with the approval given by the Department, and in accordance with the regulations of the Department. 1920, c. 22, s. 9, *part*; 1924, c. 27, s. 7.

**47.** Upon receipt of the application and the approval thereof by the proper officer of the Department, the Minister may direct payment to the township treasurer of the amount of the subsidy and such amount shall be payable out of the Consolidated Revenue Fund, and shall be chargeable to the Highway Improvement Fund Account. 1920, c. 22, s. 9, *part*.

Amount of  
provincial  
subsidy.

**48.** Expenditure in respect of which aid may be granted under section 47 shall not include any amount levied in the township for county road purposes or any other road expenditure towards which a contribution has been paid, or may be payable by the Province. 1920, c. 22, s. 9, *part*; 1925, c. 26, s. 19.

What  
amount  
not to be  
included in  
fixing  
subsidy

**49.** Where an island constitutes a township which forms part of a county for municipal purposes or where under any statute of Ontario moneys have been paid out of the treasury of Ontario to any township on account of the construction or improvement of roads in such township and the township

Special  
allowances  
to townships  
in certain  
cases.

has complied with the provisions of this Act and the regulations made thereunder and in the opinion of the Minister it is unfair owing to the location of the township or for any other reason, that the township should bear the cost of such construction or improvement, there may be paid to the township upon the recommendation of the Minister aid in excess of that which may be granted under section 45, such an amount as he may deem sufficient to relieve the township of excessive taxation for the work undertaken, and such aid shall be chargeable to the Fund, but aid so granted shall not exceed seventy-five per centum of the amount annually expended in such township, and where aid is granted under this section upon the recommendation of the Minister it shall be in lieu of any other grants to which the township might be entitled under any other act. 1925, c. 26, s. 20, *part*.

- (a) Where the township is an island in estimating the amount of aid to which the township may be entitled under this part there may be included the whole or such proportion as the Minister may direct, of the cost of the establishing and maintenance of a ferry service between the island and the mainland by the municipal corporation of the township or its lessee or licensee.

**50.** The council of a township which has by by-law abolished statute labour and

- (a) in which subdivisions have been laid out or,  
(b) portions of which are used or occupied as summer resorts or are adjacent to a city,

may by by-law separate such subdivisions or portions for the purposes of taxation under this Act from the remainder of the township by defining the limit of such subdivisions or portions and in imposing the township rate for road purposes may impose and levy a higher rate upon such subdivisions or portions than upon the remainder of the township, but no such by-law shall have effect until the same has been approved of in writing by the Minister and the amount raised by increasing such rate shall not be included in estimating the expenditure of the township for the purpose of any grant out of the Fund. 1925, c. 26, s. 20, *part. Amended*.

## PART V.

### PROVINCIAL HIGHWAYS.

**51.—(1)** The Lieutenant-Governor in Council, upon recommendation of the Minister, may designate any highway or a system of public highways throughout Ontario to be

acquired,

Different rates in summer resort or suburban areas.

Highways may be assumed by the Province.

acquired, constructed, assumed, repaired, re-located, deviated, widened and maintained by the Minister for Ontario as a provincial highway.

(2) Every highway constructed, designated and assumed in accordance with this section shall be known as a "provincial highway." 1917, c. 16, s. 3. To be provincial highways.

**52.** Every provincial highway and all property acquired by Ontario under this Act shall be vested in His Majesty and shall be under the control of the Department. 1917, c. 16, s. 4. Vested in His Majesty.

**53.**—(1) Subject to the provisions of section 58, when the Minister desires to acquire any existing highway under the authority of this Act, either temporarily or permanently, he shall deposit in the proper registry office a plan and description of the highway, signed by himself, or by the Deputy Minister, or by an Ontario land surveyor, and such highway shall thereafter become and be vested in the Crown as from such date as the Minister may determine, by notice in the *Ontario Gazette*, and the Department shall give notice in writing thereof to each of the municipalities interested. Procedure for acquiring a highway.

(2) Wherever a road assumed, acquired, or laid out as a provincial highway intersects a highway which is not a provincial highway, the continuation of the provincial highway to its full width across the highway so intersected, including bridges and culverts thereon shall be a part of the provincial highway. Works at inter-sections.

(3) Whenever for the purposes of this section it is deemed advisable to deposit in any registry office a preliminary route plan of any road acquired by the Minister, such preliminary route plan shall be of full effect as provided by subsection 1, and shall confer upon the Minister authority to acquire and take possession of the road, but such plan may at any time thereafter be replaced by a completed plan and description of the road so acquired. 1917, c. 16, s. 5. Preliminary route plan.

**54.** Notwithstanding anything in any other Act contained, an original road allowance which has not been opened, or which has been occupied or partly occupied by an abutting owner or other person may be entered upon, taken, used and occupied for the purposes of a provincial highway provided that where any person shall have acquired the title to any land taken under this section, he shall be entitled to the like compensation as in the case of land expropriated for the purposes of a provincial highway. 1921, c. 27, s. 2. Right to open up and use original road allowance.



Property may be acquired or expropriated.

**55.** The Minister may, for and in the name of His Majesty, purchase or acquire, and subject as hereinafter mentioned may, without the consent of the owner thereof, enter upon, take and expropriate any land or property which he may deem necessary for the use or purposes of the Department. 1917, c. 16, s. 6.

Land or property may be acquired.

**56.** The Minister may acquire either alone, or jointly with a municipal corporation or corporations, such land or property as may be deemed necessary for procuring stone, gravel or other material for use in making, maintaining or repairing a provincial highway, or any other highway, or otherwise deemed necessary for the use of the Department. 1917, c. 16, s. 7.

Property may be sold.

**57.**—(1) All property, real or personal, no longer required for the use of the Department, may be sold, leased or disposed of by the Minister.

Highway may be disposed of or may revert to municipality.

(2) The Lieutenant-Governor in Council upon the recommendation of the Minister may direct that any highway or portion or section thereof for which an alternative route has been substituted, or which is no longer required by the Department for the purpose of a provincial highway, or which from any cause should not remain under the jurisdiction of the Minister, may be closed to traffic or may be sold, leased or disposed of by the Minister, or may direct that any such highway, or portion or section of a highway, shall revert to the municipality previously liable for the maintenance and repair of the highway, or within which the same is situate, and such municipal corporation shall thereupon be in possession and control of the said highway from and after a date to be named by the Lieutenant-Governor in Council. 1917, c. 16, s. 8.

Ontario Public Works Act to apply.

Rev. Stat., c. 35.

**58.**—(1) When a highway which is a toll road, not under the immediate control of a municipal corporation, or other land or property is to be entered upon, taken or used by the Department under the compulsory powers conferred by this Act, the Minister shall proceed in the manner provided by *The Ontario Public Works Act*, and the provisions of that Act, sections 10 to 40, inclusive, except as in this Act otherwise provided, shall apply, *mutatis mutandis*, to the Department and the officers thereof. 1917, c. 16, s. 9.

Filing "land plan" on taking land.

(2) When land is to be or has been purchased or acquired by the Minister under any of the powers conferred by this Act, along or adjacent to or in the vicinity of a provincial highway, the land so acquired may be shown on a plan of the highway marked "Land Plan", signed by the Minister or by

the Deputy Minister and deposited in the proper registry office, and such plan shall be of full effect in establishing the ownership of such lands by Ontario under any of the provisions of this Act or of *The Ontario Public Works Act*. Rev. Stat. c. 35.

(3) A land plan deposited in any registry office as in the next preceding subsection provided may be amended upon the authority of the Minister or Deputy Minister from time to time, or another plan may be substituted therefor upon like authority, for the purpose of showing additional lands purchased or acquired, or for the purpose of indicating thereon lands sold or disposed of by the Minister. 1919, c. 17, s. 2. Amendment of land plan.

**59.** The cost of material, labour, special engineering or other services, land and property or options thereon, plant, machinery and equipment and the repair and maintenance of plant, machinery or equipment and all expenditure in or about any work undertaken by the Minister under this Act or incidental thereto, or contracts therefor, shall be paid out of the Fund set apart out of the Consolidated Revenue Fund under this Act upon the certificate of the Minister, and for that purpose accountable cheques may from time to time be issued against such Fund in favour of the Department upon the requisition of the Minister therefor. 1917, c. 16, s. 10. How cost to be provided.

**60.**—(1) The corporation of every county in which work of construction or repair and maintenance is from time to time carried out shall repay to Ontario twenty per centum of the expenditure made by the Department within such county, and each city or separated town shall repay to Ontario a like proportion of the expenditure made within the limits of the roads, designated as "provincial suburban" adjacent to the city or town. 1917, c. 16, s. 11; 1920, c. 23, s. 2; 1921, c. 27, s. 3 (1). Portion to be borne by municipalities.

(2) The municipal corporation of any municipality other than a county or city and a park commission, board or commission having authority over the area in which a road to be assumed as part of a provincial highway lies, may enter into an agreement with the Department for a contribution by the corporation of such municipality or by the park commission, board or commission, of an amount not exceeding thirty per centum of the expenditure made by the Department in such area, and the corporation of the municipality shall have the like powers as a county contributing under subsection 1 of this section, and the park commission, board or commission shall be liable for the amount so agreed upon and the same shall be payable in the manner provided by sub- Contributions by municipalities other than county or by board or commission.

sections 9 and 10 of section 12, and this subsection shall have effect as from the 1st of January, 1921. 1921, c. 27, s. 3.  
*Amended.*

Provincial  
suburban  
road  
defined.

**61.**—(1) That portion of a provincial highway adjacent to a city or town which is separated from the county for municipal purposes or of direct benefit to the city or town shall be designated a provincial suburban road and the corporation of the city or separated town shall contribute thereto as in section 60 provided. 1917, c. 16, s. 34 (1); 1925, c. 27, s. 4, cl. (a).

Suburban  
road to be  
designated  
by the  
engineer.

(2) A provincial suburban road shall be designated by an engineer of the Department before or after construction, repair or maintenance by the Department has commenced, and notification of such designation shall be sent by the Department to the clerk of the city or separated town affected, and in default of appeal therefrom, as in subsection 3 provided, such designation shall stand confirmed. 1917, c. 16, s. 34 (2); 1925, c. 27, s. 4, cl. (b).

Expenditure  
prior to  
designation.

(3) Where expenditure is incurred by the Department upon any provincial suburban road before the designation has been made by the engineer, such expenditure may be proportionately allocated to the city or separated town when the designation has been finally confirmed. 1917, c. 16, s. 34 (4); 1925, c. 27, s. 4, cl. (d).

Statements  
to be trans-  
mitted to  
municipal-  
ity.

**62.**—(1) The Department shall annually transmit to the clerk of each municipality a statement certified by the engineer of the Department showing the expenditure for the specified period, and the amount thereof due to Ontario in accordance with the next preceding section. 1917, c. 16, s. 12 (1).

Cost to be  
borne by  
Province.

(2) The cost of preliminary location surveys, the initial cost of machinery, plant and equipment and the salaries and other overhead expenses of the Department at the head office at Toronto, shall not be included in such statement to the municipality, but shall be borne entirely by Ontario. 1924, c. 27, s. 13.

Highway  
may be  
divided into  
sections for  
mainten-  
ance  
charges

(3) For the purposes of determining the amount payable by any municipal corporation for repair and maintenance, a provincial highway may be divided into such sections as the Department shall determine, and the total expenditure for repair and maintenance within such section may be divided among the several municipalities, in proportion to the mileage of the highway in each municipality.

When cost  
of con-  
struction  
may be  
distributed  
pro rata.

(4) Where work of construction is continuous through two or more municipalities, in such a manner that the cost cannot



be conveniently or exactly computed, the engineer may apportion the share of the cost payable by the municipal corporations among the several municipalities in which the work is carried on in proportion to the mileage constructed in each municipality.

(5) Where, owing to special circumstances, the engineer <sup>Engineer may apportion expenditure</sup> deems it inequitable that the cost of construction or of repair and maintenance should be apportioned upon the basis of the mileage of the highway in each municipality, he may apportion the cost among the municipalities in such a manner as he may deem just and expedient; and the corporation of any municipality, which is dissatisfied with such apportionment, may appeal therefrom to the Ontario Railway and Municipal Board, whose decision shall be final.

(6) Where work of construction or maintenance is on the <sup>Cost on boundary lines, how computed.</sup> boundary line between two or more adjoining municipalities, or upon a highway used in lieu of such boundary line, the cost, as nearly as may be, shall be proportionately allotted to the interested municipalities.

(7) Where the corporation of a county or other municipality is in default with respect to any payments due to the Province under this Act, the amount in arrears shall bear interest from the time of such default at the rate of five per centum per annum and the amount of the arrears and interest may be deducted from any sums due to the county or other municipality by the Province. 1925, c. 27, s. 2. <sup>Deductions from grants on default in municipal contributions.</sup>

(8) Where a road assumed as a provincial highway under this Act was at the time it was so assumed under the control of a park commission, or any board or commission established by statute and having authority over the area in which the road lies, the amount or proportion of expenditure which would under this Act be apportioned to a municipal corporation had the road been under the control of such corporation, may be apportioned by the engineer to and shall be a debt due to Ontario from such park commission, board or commission and shall be payable out of the revenues of such commission. <sup>Contributions by commission or other controlling body.</sup>

(9) It shall be the duty of such park commission, board or commission to provide for the payment of any contribution required under subsection 8 in its estimates of annual expenditure, and every such park commission, board or commission shall have power to all things necessary to provide for the payment of such contribution, and where authorized by statute to levy rates upon property within its jurisdiction, shall levy all necessary rates for the purposes <sup>Provision for payment.</sup>

hereof, anything in any Act under which such park commission, board or commission is established to the contrary notwithstanding. 1921, c. 27, s. 4.

Payment  
by municipal-  
pality.

**63.** The proportion of cost as estimated under the next preceding section shall be a debt due to Ontario by the municipal corporation and shall be paid to the Department within six months from the date of notification under subsection 1 of section 62. 1917, c. 16, s. 13.

Cost of  
construction  
and of  
mainten-  
ance to be  
separated.

**64.**—(1) The statement of expenditure to be transmitted to the municipality shall show the amount spent on construction and the amount spent on repair and maintenance.

Payment  
out of  
general  
funds  
for main-  
tenance.

1922, c. 72.

(2) The proportion of expenditure on repair and maintenance to be paid by the municipal corporation shall in all cases be provided out of the general funds of the municipality, but expenditure for construction may be met by the issue of debentures under the provisions of *The Consolidated Municipal Act, 1922*. 1917, c. 16, s. 14 (1, 2).

Issue of  
debentures  
by municip-  
alities.

(3) The council of each municipality may pass by-laws for issuing and may issue its debentures, payable within such period as the Department may approve, but not exceeding twenty years from the date of issue of the debentures, for an amount estimated sufficient to pay the share of the cost of construction apportioned to the municipality, making the debt payable in equal annual instalments of principal and interest, and it shall not be necessary to obtain the assent of the electors to any by-law for the issue of such debentures, nor to observe the other formalities in relation thereto prescribed by *The Consolidated Municipal Act, 1922*. 1917, c. 16, s. 14 (3); 1921, c. 27, s. 5.

Assent of  
electors not  
required.

Continuing  
Provincial  
highway  
through  
city, town  
or village.

(4) Where it is deemed by the Minister desirable and expedient that a highway or portion thereof within a city, town or village, including any necessary bridges, should be constructed as a connecting link between portions of a provincial highway or a provincial suburban highway, the Department may designate such highway or portion thereof within the city, town or village to be constructed by the city, town or village, and the council of the corporation of the city, town or village may pass by-laws for issuing, and may issue debentures under the provisions of *The Consolidated Municipal Act, 1922*, to be payable in such period as the Department may approve but not exceeding twenty years at the furthest from the time or times when such debentures are issued, for an amount sufficient to pay the cost of the construction of the highway and bridges within



the said city, town or village, but it shall not be necessary for the council to obtain the assent of the electors to any by-law for the issue of debentures under this subsection nor to observe the formalities in relation thereto prescribed by *The Consolidated Municipal Act, 1922*.

- (a) Work required to be constructed under this subsection may be undertaken as a local improvement under *The Local Improvement Act* and in that case the council may by by-law fix the proportion of the cost of the work to be borne by the corporation at large as the council may deem proper. 1921, c. 27, s. 6.

**65.**—(1) While the construction, repair or improvement or any work authorized by this Act is in progress on a provincial highway the Minister or any engineer authorized by him may close the highway or any portion thereof to traffic for such time as he may deem necessary, and any person using a highway so closed shall do so at his own risk, and shall not have a right to recovery of damages in case of accident or injury.

Highway may be closed to traffic.

(2) Every person who uses any highway so closed to traffic or who removes or defaces any notice or obstruction placed thereon by lawful authority shall incur a penalty not exceeding \$50, recoverable under *The Ontario Summary Convictions Act*, and shall also be liable for any damages or injury done to the highway or to the property of the Department occasioned by such trespass. 1917, c. 16, s. 16 (1, 2).

Penalty for removing notice or barrier.

(3) While the construction, repair or improvement of a provincial highway or any work authorized by this Act, is in progress on a provincial highway, the Department may provide and keep in repair a reasonable alternative route or routes for traffic, including a municipal highway, or may enter into an agreement with the council of any municipality, or may make a grant to any municipality for that purpose, and any expenditure or grant under this section shall be apportioned as a part of the cost of the work in progress on the provincial highway by reason of which the alternative route is necessary. 1919, c. 17, s. 4.

Alternative routes during work on roads.

**66.**—(1) The Department shall have and may exercise within the limits of any municipal corporation along the course of the roadway all the powers which may be exercised by a municipal corporation authorized to lay out, maintain and construct a highway.

Minister may exercise powers of municipal corporation.

(2) The Department shall, in respect to a provincial highway under its jurisdiction, have all the rights, powers, agreements,

benefits



benefits and advantages conferred either by by-law or contract or otherwise upon the local or county municipality or municipalities which had jurisdiction over the said road before the said road was assumed by the Province, and the Department may sue upon such rights or under such agreement or by-laws in the same manner and to the same extent as the said local municipality or municipalities might have done if such road had not been adopted as a provincial highway. 1917, c. 16, s. 17.

Right of  
Department  
to copies of  
by-laws, etc.

(3) Where a by-law, contract, or agreement covers several roads in a municipality, including the road adopted as a provincial highway, the Department shall be entitled to a copy of such by-law, contract or agreement from the municipality or municipalities and the Department shall have the right to inquire into and ascertain facts concerning all such by-laws, contracts or agreements, the amounts of rents or other payments provided for in the same, the terms and conditions under which such agreements are made and any other particulars in connection with the same.

Electric  
and street  
railway.

**67.** Notwithstanding anything in any general or special Act or in any by-law, resolution, license of occupation, agreement or other act of a municipal corporation, no street railway or electric railway shall be laid down, constructed or operated upon a provincial highway except with the consent of the Lieutenant-Governor in Council and under and subject to such terms and conditions as he may impose, but this section shall not apply to any railway or part of a railway now in operation, and shall not be construed to affect or prejudice the rights, franchises and privileges of any company owning or operating such railway; provided that such company shall not move its rails to or upon the highway except with the consent of the Minister. 1917, c. 16, s. 19.

Pavement  
between  
rails of  
street or  
electric  
railway.

**68.—(1)** Where a street railway or electric railway has constructed its line upon any part of a provincial highway and has undertaken or is required by law to fill in or pave the space between the rails of the street railway or electric railway, the Department may construct the pavement or roadway between the rails of the same material and in the same manner as on that part of the roadway lying on either side of the rails, and so much of the cost of the work between the rails as will equal what should be expended by the company in the fulfilment of its legal obligations shall be paid by the company to the Department upon demand.

Fixing con-  
tribution by  
company.

(2) In determining the amount payable by the company, allowance shall be made for the relief of the company from

the work of keeping the space between the rails filled in or paved and the substitution of a durable pavement for such work.

(3) If the company and the Department are unable to agree on their respective shares of the cost of constructing the pavement or roadway between the rails the matter in dispute shall be determined by the Ontario Railway and Municipal Board and the decision of the Board shall be final and shall not be subject to appeal. 1917, c. 16, s. 20.

Application to Board in case of disagreement.

**69.**—(1) The Department may plant trees upon a provincial highway, and the cost thereof shall be part of the cost of repair and maintenance. 1920, c. 23, s. 4.

Planting trees on highways.

(2) No person, corporation or commission shall injure, destroy, cut or prune any tree within the limits of a provincial highway, without the consent of the Department first had and obtained, and any sums received in compensation for trees so injured, destroyed, cut or pruned, shall be payable to the Department.

Cutting trees, etc., on provincial highway.

(3) The Department may pay a bonus not exceeding seventy-five cents for each elm, maple or other approved nut or ornamental tree planted by any owner of land fronting on the provincial highway and planted in accordance with the regulations of the Department and under its direction.

Bonus for planting trees on highways.

(4) The bonus shall be chargeable to the Fund and payable upon a certificate of the resident engineer of the Department giving the name of the person entitled to such bonus, the number of trees of each species planted and the amount of the bonus to which such person is entitled and certifying that the trees have been planted for a period of three years and that they are alive, healthy and of good form. 1925, c. 27, s. 3.

Bonus to be chargeable to Highway Improvement Fund

(5) The Lieutenant-Governor in Council upon the recommendation of the Minister may fix the distance from the roadway at which buildings or fences may be placed.

Location of fences and buildings.

(6) The Minister may agree with the owners or occupants of property adjoining a provincial highway, with respect to the moving, removal or construction of a wire or other type of fence along any provincial highway, and may make compensation therefor. 1919, c. 17, s. 5.

Fences.

**70.** Where it is deemed advisable to change the grade or make other alterations upon any road intersecting or affording access to the highway, or giving access to private property

Grading approaches to provincial highway.

property, the cost of any changes so made shall be part of the cost of the construction of the provincial highway, and shall be borne and paid accordingly. 1922, c. 30, s. 2.

Consent to closing of road connecting with provincial highway.

(2) A municipality shall not close or divert any road or road allowance entering or touching upon or giving access to a provincial highway without the consent of the Lieutenant-Governor in Council upon the report of the Minister, 1919, c. 17, s. 6.

Laying pipes, etc.

**71.** Notwithstanding anything in any general or special Act contained, no municipal corporation, commissioners acting for a municipal corporation, and no commission, company or individual, shall obstruct or deposit material upon, nor shall they enter upon, take up or in any way interfere with a provincial highway for the purpose of laying down or repairing any drain, sewer, water pipe, gas pipe, conduit or any other structure beneath the surface of the highway, except with the consent of the Minister and under and subject to such terms and conditions as to the manner and location of the work, the times at which it is to be performed, the disposal of material, and the replacing of the surface as the Minister may prescribe. 1917, c. 16, s. 25.

(a) Any person who violates any of the provisions of this section shall incur a penalty of not less than \$50 and not more than \$1,000.

Regulating traffic.

**72.**—(1) The Minister may make regulations respecting the use of a provincial highway by any class of vehicles or animals, and may impose penalties for violation thereof, but no such regulations shall have any force or effect until approved by the Lieutenant-Governor in Council after notice to the municipal corporation affected thereby. 1917, c. 16, s. 26 (1); 1920, c. 23, s. 6.

Application of fines.

(2) Notwithstanding anything in any other Act contained, all fines and penalties recovered for offences committed on any provincial highway under this Act or *The Highway Traffic Act, 1923*, and the fees to which any constable acting thereunder is entitled shall, when collected, belong to and be paid to the Department. 1919, c. 17, s. 7.

Horses, cattle, etc., on highway

(3) Every person who being the owner of horses, cattle, swine or sheep, suffers or permits the same or any of them to run at large within the limits of a provincial highway, shall be guilty of an offence and shall incur a penalty not exceeding, for every horse found at large upon the highway, \$5;



for every head of cattle found at large upon the highway, not more than \$3; and for every hog, sheep or goat found at large upon the highway, not more than \$1. 1922, c. 30, s. 3. *Amended.*

**73.**—(1) Every provincial highway shall be maintained and kept in repair by the Department, and except as to the contribution towards such maintenance and repair provided for in this Act, the corporation of any municipality in which the highway is situate shall be relieved from any liability therefor, but this shall not apply to any sidewalk or municipal undertaking or work constructed or in course of construction by the corporation of any municipality, or which a municipal corporation may lawfully do or construct upon the highway, and such municipal corporation shall be liable for want of repair of such sidewalk, municipal undertaking or work, whether the same be the result of nonfeasance or misfeasance, in the same manner and to the same extent as in the case of any other like work constructed by such municipal corporation.

(2) In case of default by the Department to keep any provincial highway in repair, the Department shall be liable for all damages sustained by any person by reason of such default, and the amount recoverable by any person by reason of such default may be agreed upon with the Department before or after the commencement of any action for the recovery of such damages.

(3) No action shall be brought for the recovery of damages occasioned by such default, whether the want of repair was the result of nonfeasance or misfeasance, after the expiration of three months from the time when the damages were sustained.

(4) No action shall be brought for the recovery of the damages mentioned in subsection 2, unless notice in writing of the claim and of the injury complained of has been served upon or sent by registered post to the Department, within ten days after the happening of the injury.

(5) The failure to give or the insufficiency of the notice shall not be a bar to the action, if the court or judge before whom the action is tried, is of the opinion that there is reasonable excuse for the want or insufficiency of the notice, and that the Department was not thereby prejudiced in its defence.

(6) All damages and costs recovered under this section and any amount payable as the result of an agreement in settlement of any claim for damages which has been approved of by

counsel in writing, shall be payable in the same manner as in the case of a judgment recovered against the Crown in any other action.

Style of  
action.

(7) In any action under this section against the Department, the defendant may be described as "His Majesty the King in right of the Province of Ontario, represented by the Minister of Public Works and Highways for the Province of Ontario," and it shall not be necessary to proceed by petition of right or to procure the fiat of the Lieutenant-Governor or the consent of the Attorney-General before commencing such action but every such action may be instituted and carried on and judgment may be given thereon in the same manner as in an action brought by a subject of His Majesty against another subject.

Action to  
be tried  
without  
jury.

(8) Actions against the Department for the recovery of the damages mentioned in subsection 2 shall be tried by a judge without the intervention of a jury, and the trial shall take place in the county in which such default occurred.

Liability  
not to  
exceed that  
of municip-  
ality.

(9) The liability imposed by this section shall not extend to any case in which a municipal corporation owning or having jurisdiction over the highway would not have been liable for the injury sustained. 1922, c. 30, s. 4.

Agreement  
for con-  
struction  
of greater  
width of  
pavement  
in any  
municip-  
ality.

**74.**—(1) The corporation of any municipality, through or in which any part of a provincial highway is situate or any owner of abutting property, may enter into an agreement with the Department for the construction of a pavement or roadway of a greater width or with different specifications to those for the remainder of the roadway, and the Department may construct a pavement or roadway of such additional width or varied specification through the municipality or such portion thereof as may be agreed upon.

Additional  
cost, how  
to be borne.

(2) The additional cost entailed under such agreement to be borne by a municipal corporation may be raised by such corporation by a special tax under *The Local Improvement Act*, or by the issue of debentures under *The Consolidated Municipal Act, 1922*, payable within fifteen years from the date of the issue thereof or within such shorter term as may be directed by the Department, and shall be payable to Ontario in accordance with the terms of the agreement. 1917, c. 16, s. 28.

Construc-  
tion of  
works for  
transporta-  
tion of  
materials.

**75.** The Minister may construct and operate such works upon any highway leading to or in the neighbourhood of a provincial highway as he may deem necessary or expedient for the purpose of transportation of materials or supplies, or



he may agree or contract with any railway or other company so to do, or may lease or acquire land or property and construct and operate works thereon for such purposes. 1917, c. 16, s. 29.

**76.**—(1) The Deputy Minister or an officer of the Department specially designated for that purpose by the Deputy Minister, may initiate and carry out proceedings under *The Ditches and Watercourses Act* for the purpose of procuring proper drainage for any provincial highway; and shall have authority to file notices and declarations as owner with the clerk of the local municipality or municipalities, or may receive notices where a private person is the initiating party, in accordance with the procedure prescribed by *The Ditches and Watercourses Act*, but no drainage works shall be constructed upon a provincial highway under any Act without the consent of the Department. 1917, c. 16, s. 31, *part. Amended.*

Drainage of provincial highways  
Rev. Stat. c. 260.

(2) The Minister or Deputy Minister may from time to time designate an engineer or engineers of the Department to be the engineer or engineers authorized to carry out the provisions of *The Ditches and Watercourses Act* with respect to a provincial highway or other property under the control of the Department, and the person so designated shall have all powers and perform all duties on behalf of the Department required of an engineer appointed by a municipality under the said Act. 1917, c. 16, s. 31, *part.*

Drainage engineer for Department.  
Rev. Stat., c. 260.

## PART VI.

### PROVISIONS APPLICABLE TO ALL HIGHWAYS.

#### *Sign Boards.*

**77.**—(1) The Lieutenant-Governor in Council, upon the recommendation of the Minister, may make regulations

Regulations as to sign-boards, etc.

(a) prohibiting or regulating the erection of signs and sign boards and the pasting or painting of signs or notices and the exposing of any advertising device upon or within one-quarter of a mile from any provincial highway or any suburban or main road towards which aid is granted under this Act; 1915, c. 17, s. 37 (1), cl. (a); 1919, c. 19, s. 8.

Prohibiting and regulating.

(b) for licensing and fixing the fees for licenses to be granted to any person for erecting any such sign or sign board, or pasting or painting any such sign or notice or exposing any such advertising device on any such road or within one-quarter of a mile thereof;

Licensing and fixing license fees.

(c)



Application  
of fees.

(c) for the application of such fees or any part thereof to the maintenance of such road or otherwise. 1915, c. 17, s. 37 (1), cls. (b), (c).

Penalty  
for contra-  
vention.

(2) Any person contravening any such regulation or destroying or defacing any sign, signboard, notice or advertising device lawfully authorized under this Act, shall incur a penalty of not less than \$1, nor more than \$100, in addition to the value of the property injured or destroyed, to be recoverable under *The Ontario Summary Convictions Act*.

Rev. Stat.,  
c. 90.

Commission  
may be  
authorized  
to exercise  
powers.

(3) The powers conferred upon the Lieutenant-Governor in Council by this section may be exercised by any commission or board having the control of the road if the Lieutenant-Governor in Council so directs.

Drainage  
on county  
roads.

**78.**—(1) The engineer or road superintendent appointed by the county council, or by any commission or by a township council under this Act may, without a resolution of the council, initiate and carry out proceedings under *The Ditches and Watercourses Act* for the purpose of procuring proper drainage for any road or roads within the jurisdiction of such county council or commission or township, and such engineer or superintendent shall have authority to file notices and declarations as owner with the clerk of the local municipality or municipalities in accordance with all procedure of the said *Ditches and Watercourses Act*. 1915, c. 16, s. 3.

Obtaining  
gravel for  
road pur-  
poses.

**79.**—(1) Notwithstanding anything in *The Consolidated Municipal Act, 1922*, contained, the engineer or road superintendent appointed by a county council, or by any commission or by a township council may, without the passing of a by-law or resolution by the council, apply to the owner of any gravel land or gravel pit in the county for gravel for road purposes. 1917, c. 27, s. 58, *part*.

Application  
to state  
price  
offered.

(2) The engineer or road superintendent shall state in his application the price per cubic yard or per acre of such amount of gravel as he may require. 1917, c. 27, s. 58, *part*; 1924, c. 27, s. 9 (1).

Application  
to county  
judge to  
fix price.

(3) If the owner does not, within three days after receiving such application, agree with the engineer or road superintendent to sell the gravel or the land and as to the price at which the same shall be sold, the engineer or road superintendent may, upon seven days' notice in writing to the owner, apply to the county judge in the county in which the gravel or the land is situate, for an order fixing the price to be paid for the gravel or the land, and the judge upon such application and upon hearing such evidence as he deems necessary, may

fix the price per cubic yard or per acre to be paid for the gravel or the land and may order and direct that upon the payment or tendering of the price so fixed, the engineer or road superintendent, by his servants or agents, may enter upon the lands of the owner and take the gravel so required. 1917, c. 27, s. 58, *part*; 1924, c. 27, s. 9 (2).

(4) *The Judges' Orders Enforcement Act* shall apply to any application or order made under this Act.

(5) There shall be an appeal from the order of the judge of Appeal. the county court to the Appellate Division of the Supreme Court, whose decision shall be final. 1917, c. 27, s. 58, *part*.

**80.**—(1) While the construction, repair or improvement of any road to which this Act applies is in progress, the road superintendent, or any person authorized by him, may close the highway or any portion thereof to traffic for such time as he may deem necessary and subject to the provisions hereinafter contained any person using a highway so closed shall do so at his own risk and shall not have a right to recovery of damages in case of accident or injury. Power to close highways while undergoing construction or repairs.

(2) Upon closing any highway as provided herein it shall be the duty of the corporation or commission to provide and keep in repair a reasonable alternative route for through traffic and to provide a suitable by-road for all owners who cannot obtain access to their property by any other public road, and for the period during which such highway or portion thereof is closed the alternative route and by-road shall be under the jurisdiction of the council of the corporation or commission. Alternative route to be provided.

(3) The engineer or road superintendent or the person authorized by him shall upon closing a highway or portion thereof protect the same by erecting or causing to be erected at each end of the highway so closed and where the alternative route deviates therefrom, a substantial barricade upon which shall be exposed and kept burning continuously from sunset until dawn, a red light, and at such points shall put up a detour sign indicating the alternative route and containing a notice of closing the highway for traffic. Erection of barricades and detour signs.

(4) Any engineer or road superintendent or any person authorized by him who closes any highway or portion thereof to traffic and who neglects or fails to erect or maintain the barricade, light, notice or detour sign aforesaid while such road is closed and any person who uses any highway so closed while the same is protected as aforesaid without authority from the engineer or road superintendent, or who removes or defaces any barricade, light, detour sign or notice, shall Penalties.

incur



incur a penalty not exceeding \$10, recoverable under *The Ontario Summary Convictions Act*, and such person so wrongfully using the highway so closed shall also be liable for any damage or injury done to the highway occasioned by such trespass. 1918, c. 15, s. 1

Application  
of section  
to special  
cases.

(4) This section shall apply to any road as to which provision has been made under any special Act for the construction, maintenance and control thereof by a commission appointed by the Lieutenant-Governor in Council. 1915, c. 17, s. 37 (2-4).

Excavated  
material  
from drains.

**81.** Notwithstanding the provisions of any other Act, no earth, debris, or excavated material from a drain constructed, improved or repaired under the provisions of *The Municipal Drainage Act* or *The Ditches and Watercourses Act*, shall be deposited within the travelled portion of any township road or within the limits of any highway without express permission in writing so to do from the road authority responsible for the maintenance of such road or highway.

Rev. Stat.,  
c. 198, 260.

\* 1919, c. 19, s. 9, *part. Amended.*

Local  
municipal-  
ities may  
construct  
sidewalks,  
etc.

**82.**—(1) The council of a local municipality may construct or put down a sidewalk or other improvement or service on a county road, provincial highway or a road or highway under the control of a board, special commission, suburban road commission or other authority, but no such work shall be undertaken by a municipal corporation or any individual or company without first obtaining the written consent of the county council, Department of Public Highways, board, special commission, suburban road commission or other authority having control of the said road or highway. 1924, c. 27, s. 4 (1).

How cost  
provided.

Rev. Stat.,  
c. 193.

(2) The cost of any sidewalk constructed on a county road, provincial highway, or a road or highway under the control of a board, special commission or other authority, may be met out of the general funds of the local municipality, or out of funds of the authority having control of the said road or highway, or the work may be undertaken as a local improvement to which the provisions of *The Local Improvement Act* shall apply. 1919, c. 19, s. 9 *part.*

Local muni-  
cipality to  
conform to  
regulations  
and be  
responsible  
for damages.

(3) A local municipality when constructing a sidewalk or other improvements or service on a road or highway under the provisions of this section shall conform to any requirements, regulations or conditions imposed by the authority responsible for or having control of the said road or highway, and shall be responsible for any injury or damage arising from the construction or presence of such walk on the road or highway. 1919, c. 19, s. 9 *part.*; 1924, c. 27, s. 4 (2).



**83.** The council of any municipality or a suburban road commission may plant trees on any road under its jurisdiction, and the cost of such work shall be deemed to be part of the cost of repairing and maintaining such highway. 1920, c. 22, s. 10. Planting trees on highway.

**84.—(1)** The engineer or road superintendent appointed by a council or commission under this Act with the approval of the council or commission having jurisdiction over the highway may enter into an agreement with the owner of any lands adjacent to a highway under the jurisdiction of the council for the removal of any tree, shrub, brush, hedge, fence, signboard, gasoline pump, building or other object growing or standing on the highway, or on lands adjoining the highway and which may cause the drifting or accumulation of snow or may injuriously affect the highway or obstruct the vision of drivers of vehicles or pedestrians upon the highway. Agreement with owner for removal.

**(2)** The engineer or road superintendent may, with the approval of the council or commission having jurisdiction over the highway, enter into an agreement with the owner of the lands as to the amount of compensation to be paid to such owner for damages caused to him by reason of such removal. Compensation.

**(3)** Where the engineer or road superintendent is of the opinion that the removal of any tree, shrub, brush, hedge, fence, signboard, gasoline pump building, or other object growing or standing upon a highway, or on lands adjacent to the highway, will cause the drifting or accumulation of snow or is injurious to the road-bed or is a dangerous obstruction to the vision of drivers of vehicles or pedestrians on the highway, and he is unable to agree with the owner of such lands for the removal of the same, or as to the amount of compensation to be paid therefor, the engineer or road superintendent may, with the approval of the council or commission having jurisdiction over the highway, apply to the judge of the county court of the county in which the lands affected are situated, and upon such notice to the owner of the lands affected as the judge may direct for an order granting authority to the engineer or road superintendent to enter upon the lands affected and to remove any object with respect to which the application is made, and the judge, upon such application, may make such order and may fix the amount of compensation to be paid to the owner and give such directions as to costs as in his opinion may be equitable. Application to judge for order to remove.

**(4)** *The Judges' Orders Enforcement Act* shall apply to every order made under section 4. Application of Rev. Stat., c. 79.

By-laws for clearing adjacent land.

(5) The council of a county or township may by by-law determine and fix the distance from the centre line of any public highway within the jurisdiction of the council within which the owner of any lands adjacent to the highway shall not plant or cause to be planted any tree, shrub, bush or hedge, or erect or cause to be erected any fence, signboard, building or other structure which may cause the drifting or accumulation of snow or which may injuriously affect the road-bed of the highway or dangerously obstruct the vision of drivers of vehicles or pedestrians thereon.

Agreement for widening provincial, county, or suburban road in township.

**85.**—(1) The council of a municipality which is not separated from the county, with the approval of the Minister, may make an agreement with the road authority having the control of a provincial highway, county highway or suburban road for the widening of such highway in the municipality and may make a further agreement with such road authority and any municipal corporation or commission interested in the highway or suburban road and with any municipal corporation, commission or company owning or operating a street railway or electric railway on the highway, fixing the proportions in which the cost of such widening and of the removal or replacing or altering of the tracks of such street railway or electric railway consequent upon such widening shall be borne by such municipality, the road authority, any municipal corporation or commission interested in the highway and by the municipal corporation, commission or company owning or operating such street railway or electric railway.

Apportioning cost.

(2) Where such municipality, the road authority and the municipal corporation, commission or company owning or operating a street railway or electric railway are unable to agree as to the proportion in which each of them shall so contribute the same shall be determined by the Ontario Railway and Municipal Board and the decision of the Board shall be final.

By-law for acquiring land.

(3) Subject to the terms of the agreement entered into with the road authority for the widening of the highway, the municipality may pass by-laws for acquiring by purchase or otherwise, or for expropriating any land described in such agreement or necessary to carry out the provisions thereof, and the provisions of *The Consolidated Municipal Act, 1922*, as to the acquiring, occupying or taking of land for municipal purposes shall apply to the acquiring, occupying or taking of land under such by-law.

Voluntary contributions from municipalities.

(4) Any county not being in control of the highway, but through which such highway passes may agree to contribute to the cost of the widening of such highway but nothing in

this.

this section contained shall be deemed to render it compulsory upon such county to so contribute.

**86.** Where by this Act an appeal lies from any report or decision or other Act or order or decision to the Ontario Railway and Municipal Board, the decision of the Board shall be final and conclusive, and shall not be subject to an appeal. 1917, c. 16, s. 36. Decision of Board to be final.

### SCHEDULE OF REPEALED PROVISIONS.

<i>Statute.</i>	<i>Title</i>	<i>Extent of Repeal.</i>
R.S.O.		
1914, Chapter 40	The Highway Improvement Act.	The whole.
1915, Chapter 16	The Highway Improvement Act, 1915.	The whole.
1915, Chapter 17	The Ontario Highways Act, 1915.	The whole except sections 3 and sections 20-36.
1916, Chapter 14	The Highway Improvement Act, 1916.	The whole.
1916, Chapter 15	The Ontario Highways Amendment Act, 1916.	The whole.
1917, Chapter 16	The Provincial Highway Act.	The whole except section 30.
1917, Chapter 17	The Highway Improvement Act, 1917.	The whole except section 6.
1918, Chapter 15	An Act to amend The Highway Improvement Act.	The whole.
1918, Chapter 17	An Act to amend The Ontario Highways Act, 1915.	The whole.
1919, Chapter 17	The Provincial Highway Amendment Act, 1919.	The whole.
1919, Chapter 18	The Highway Improvement Amendment Act, 1919.	The whole except sections 1 and 2.
1919, Chapter 19	The Ontario Highways Amendment Act, 1919.	The whole.
1920, Chapter 20	The Highway Improvement Act, 1920.	The whole except section 3.
1920, Chapter 21	The Obstructions on Highways Removal Act, 1920.	The whole.
1920, Chapter 22	The Ontario Highways Act, 1920.	The whole.
1920, Chapter 23	The Provincial Highway Amendment Act, 1920.	The whole.



1921, Chapter 25	The Highway Improvement Act, 1921.	The whole except section 2.
1921, Chapter 27	The Provincial Highway Act, 1921.	The whole.
1922, Chapter 26	The Highway Improvement Amendment Act, 1922.	The whole.
1922, Chapter 27	The Highway Improvement Amendment Act, 1922 (No. 2).	The whole.
1922, Chapter 28	The Ontario Highways Amendment Act, 1922.	The whole.
1922, Chapter 30	The Provincial Highway Amendment Act, 1922.	The whole.
1924, Chapter 27	The Highway Laws Amendment Act, 1924.	The whole.
1924, Chapter 28	The Ontario Highways Act, 1924.	The whole.
1925, Chapter 26	The Highway Laws Amendment Act, 1925.	The whole.
1925, Chapter 27	The Provincial Highway Act, 1925.	The whole.

## CHAPTER 16.

## An Act to amend The Public Service Works on Highways Act, 1925.

*Assented to 8th April, 1926.*

**H**IS MAJESTY by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**1.** This Act may be cited as *The Public Service Works on Highways Act, 1926*. Short title.

**2.** Section 2 of *The Public Service Works on Highways Act, 1925*, is amended by inserting at the commencement of the said section the words "subject to the provisions of subsection 2" and by adding thereto the following subsection,—

- (2) Notwithstanding anything in subsection 1 where it is made to appear to the Ontario Railway and Municipal Board, upon application made to it, that the circumstances and conditions under which any of the works mentioned in subsection 1 have been placed on or under a highway, or that other special conditions render it unfair or unjust that the cost of taking up, removing or changing the location of such works should be apportioned and paid as provided in subsection 1, the Board, upon the application of the road authority or the municipal corporation, commission, company or individual owning or operating the works, may apportion the cost of the taking up, removing or changing the works in such manner as may appear to it to be equitable and the decision of the Board shall be final and shall not be subject to appeal.

**3.** Section 9a of *The Power Commission Act* as enacted by section 4 of *The Power Commission Act, 1924*, and amended by section 3 of *The Public Service Works on Highways Act, 1925*, is further amended by striking out all the words after the words "Ontario Railway and Municipal Board" in the nineteenth and twentieth lines and inserting in lieu thereof the words:

"Wherever

Application  
to Power  
Commission.

"Wherever in the course of constructing, reconstructing, altering or improving any highway it becomes necessary to take up, remove, or change the location of poles, wires, conduits, transformers or other appliances or works placed on or under a highway by the Commission, the costs and expenses incurred in such work shall be apportioned and paid in the manner provided by section 2 of *The Public Service Works on Highways Acts, 1925 and 1926*, and the said section shall apply to the Commission in the same manner and to the same extent as to a municipal corporation, commission, company or individual owning or operating the appliances or works mentioned in the said section."

Commence-  
ment of  
Act.

4. This Act shall come into force on the day upon which it receives the Royal Assent.



## CHAPTER 17.

## An Act to amend The Power Commission Act.

*Assented to 8th April, 1926.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**1.** This Act may be cited as *The Power Commission Act*, Short title. 1926.

**2.**—(1) Subsection 1 of section 15 of *The Power Commission Act* as re-enacted by section 7 of *The Power Commission Act, 1918*, and amended by section 5 of *The Power Commission Act, 1924*, is repealed and the following substituted therefor,—

Rev. Stat.,  
c. 39, s. 15,  
subs. 1;  
(1918, c. 14,  
s. 7) re-  
pealed.

(1) All sums received by the Commission from municipal corporations and others on sinking fund account for repayment of the advances made by the Province to the Commission shall,—

Payment  
over to  
Province of  
sinking fund  
moneys.

(a) to the extents respectively set out in schedule A to this Act, and

(b) to such further extent as may be necessary to repay any advance hereafter made by the Province to the Commission in equal annual instalments of principal and interest within a period of forty years from the date of such advance,

be paid by the Commission to the Treasurer of Ontario annually on or before the 31st day of October in each year and shall be credited to the Commission.

(2) The said section 15 is amended by adding thereto the following subsections,—

Rev. Stat.,  
c. 39, s. 15,  
amended.

(1b) Where the amounts collected by the Commission in any year on sinking fund account for the repayment of advances made by the Province to the

Where  
amount  
collected in  
sinking fund  
account  
exceeds  
require-  
ments of  
provincial  
advances.

Commission

Commission exceed the amount required to be paid over to the Treasurer of Ontario under subsection 1 for such year, such excess amount shall be invested by the Commission in securities issued by or guaranteed by the Province of Ontario and such securities shall be delivered by the Commission to the Treasurer of Ontario as collateral security for the repayment of advances made by the Province to the Commission, and the Lieutenant-Governor in Council may from time to time direct that any securities so held by the Treasurer shall be sold and converted and the proceeds thereof credited to the Commission on account of any sums payable by the Commission on sinking fund account under subsection 1.

Application  
of securities  
heretofore  
deposited  
with  
Treasurer on  
sinking fund  
account.

- (1c) The Treasurer of Ontario is hereby empowered to sell, convert or cancel the \$4,812,000 par value securities heretofore deposited with him by the commission on sinking fund account in respect of advances made by the Province of Ontario to the Commission and as in schedule B to this Act mentioned, and to apply the proceeds of such securities or the market value thereof as at April 1st, 1926, towards repayment of advances made by the Province to the Commission.

By-laws and  
agreements  
confirmed.

**3.** By-law No. 1370 of the corporation of the city of Niagara Falls; By-laws Nos. 3556 and 3557 of the corporation of the city of Windsor; By-laws Nos. 426B and 427B of the corporation of the town of Amherstburg; By-laws Nos. 34, 35, 36 and 64 of the corporation of the town of LaSalle; By-laws Nos. 1215 and 1243 of the corporation of the town of Sandwich; By-laws Nos. 24 and 25 of 1925 of the corporation of the village of Arkona; By-law No. 62 of the corporation of the village of Fonthill; By-law No. 323 of the corporation of the township of Adelaide; By-law No. 1343 of the corporation of the township of Aldborough; By-law No. 889 of the corporation of the township of Bayham; By-law No. 11 of 1925 of the corporation of the township of Brooke; By-law No. 1020 of the corporation of the township of Burford; By-law No. 410 of the corporation of the township of Charlotteville; By-laws Nos. 900 and 901 of the corporation of the township of Dereham; By-law No. 1014 of the corporation of the township of Dunwich; By-law No. 119 of the corporation of the township of East Gwillimbury; By-laws Nos. 657, 661 and 686 of the corporation of the township of East York; By-law No. 831 of the corporation of the township of Elma; By-law No. 8 of 1925 of the corporation of the township of Enniskillen; By-law No. 1831 of the corporation of the township of Etobicoke; By-law No. 7 of 1925 of the corporation of the township

of Goderich; By-law No. 27 of the corporation of the township of Hallowell; By-law No. 594 of the corporation of the township of Innisfil; By-law No. 33 of the corporation of the township of Logan; By-law No. 487 of the corporation of the township of Melancthon; By-law No. 8 of the corporation of the township of Morris; By-law No. 308 of the corporation of the township of Morrison; By-law No. 807 of the corporation of the township of Nelson; By-law No. 130 of the corporation of the township of Nichol; By-laws Nos. 734 and 736 of the corporation of the township of Norwich North; By-law No. 751 of the corporation of the township of Norwich South; By-law No. 894 of the corporation of the township of North Colchester; By-law No. 613 of the corporation of the township of North Tilbury; By-law No. 233 of the corporation of the township of Oneida; By-law No. 1154 of the corporation of the township of Orillia; By-law No. 1244 of the corporation of the township of Pickering; By-law No. 749 of the corporation of the township of Pilkington; By-law No. 560 of the corporation of the township of Rainham; By-law No. 424 of the corporation of the township of Rama; By-law No. 13 of 1925 of the corporation of the township of Romney; By-law No. 4 of 1926 of the corporation of the township of Russell; By-law No. 1020 of the corporation of the township of Toronto; By-law No. 523 of the corporation of the township of Toronto Gore; By-laws Nos. 406 and 407 of the corporation of the township of Townsend; By-law No. 339 of the corporation of the township of Trafalgar; By-law No. 984 of the corporation of the township of Uxbridge; By-law No. 1128 of the corporation of the township of Vaughan; By-law No. 7 of 1925 of the corporation of the township of Wainfleet; By-law No. 886 of the corporation of the township of Walpole; By-law No. 632 of the corporation of the township of Wilmot; By-law No. 508 of the corporation of the township of Windham; By-law No. 940 of the corporation of the township of Whitchurch; and all debentures issued or to be issued or purporting to be issued, under any of the said by-laws which authorize the issue of debentures, are confirmed and declared to be legal, valid and binding upon such corporation and the ratepayers thereof respectively, and shall not be open to question upon any grounds whatsoever, notwithstanding the requirements of *The Power Commission Act* or the amendments thereto or any other Act of this Legislature.

4. This Act shall come into force on the day upon which it receives the Royal Assent.

Commence-  
ment of  
Act.



## SCHEDULE A.

1927.....	\$1,338,567
1928.....	1,392,110
1929.....	1,447,795
1930.....	1,505,706
1931.....	1,565,935
1932.....	1,628,572
1933.....	1,693,716
1934.....	1,761,464
1935.....	1,831,922
1936.....	1,905,199
1937.....	1,981,406
1938.....	2,060,663
1939.....	2,143,090
1940.....	2,228,813
1941.....	2,317,966
1942.....	2,410,684
1943.....	2,507,111
1944.....	2,607,396
1945.....	2,711,691
1946.....	2,820,159
1947.....	2,932,965
1948.....	3,050,284
1949.....	3,172,296
1950.....	3,299,187
1951.....	3,431,156
1952.....	3,568,401
1953.....	3,711,137
1954.....	3,859,582
1955.....	4,013,966
1956.....	4,174,525
1957.....	4,341,505
1958.....	4,515,166
1959.....	4,695,772
1960.....	4,883,603
1961.....	5,078,948
1962.....	5,282,106
1963.....	5,493,390
1964.....	5,713,125
1965.....	5,941,650
1966.....	6,179,317
<hr/>	
\$127,198,046	

## SCHEDULE B.

## THE HYDRO-ELECTRIC POWER COMMISSION GENERAL SINKING FUND.

*Bonds deposited with Province as security for advances to Commission.*

				Par Value
Province of Ontario, 6%,	due April	1/35, Series K.K..		\$12,000
Province of Ontario, 6%,	due June	15/30, "M.M.".....		88,500
Province of Ontario, 6%,	due September	15/43, "Y.Y.".....		124,500
Province of Ontario, 6%,	due September	15/43, "W.W.".....		108,000
Province of Ontario, 6%,	due February	1/41, "S.S.".....		208,500
Province of Ontario, 6%,	due May	2/36, "T.T.".....		359,000
Province of Ontario, 5½%,	due December	1/42, "A.D.".....		922,000
Province of Ontario, 5%,	due October	15/48, "A.F.".....		1,691,500
Province of Ontario, 6%,	due December	1/35, "R.R.".....		648,000
Province of Ontario, 4½%,	due September	1/44, "A.G.".....		650,000
<hr/>				
Total.....				\$4,812,000

## CHAPTER 18.

## An Act to amend The Hydro-Electric Railway Act, 1914.

*Assented to 8th April, 1926.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Hydro-Electric Railway Act, 1926.* Short title.

2. By-laws Nos. 133 and 137 of the town of Tecumseh; By-laws Nos. 178 and 179H of the town of Riverside; By-laws Nos. 655 and 656 of the town of Ford City; By-laws Nos. 1095 and 1099 of the town of Walkerville; By-laws Nos. 1377 and 1378 of the town of Sandwich; By-laws Nos. 103 and 104 of the town of Ojibway; By-laws Nos. 29 and 30 of the town of LaSalle; By-laws Nos. 415B and 418B of the town of Amherstburg; By-laws Nos. 617 and 618 of the township of Sandwich West; and By-laws Nos. 3446, 3453, 3069, 3556, and 3557 of the city of Windsor, and all debentures issued or to be issued or purporting to be issued under any of the said by-laws which authorize the issue of debentures are confirmed and declared to be legal, valid and binding upon such corporations and the ratepayers thereof, respectively, and shall not be open to question upon any ground whatsoever notwithstanding the requirements of *The Hydro-Electric Railway Act, 1914*, and amendments thereto, or *The Consolidated Municipal Act, 1922*, or any other Act of this Legislature. By-laws confirmed.

3. The town of Tecumseh and the town of Riverside each comprising territory formerly included in the township of Sandwich East and the town of LaSalle comprising territory formerly included in the township of Sandwich West are declared to be parties to the agreement dated the 1st day of January, 1920, to which the said townships are parties, which said agreement is confirmed by section 8 of *The Hydro-Electric Railway Act, 1920*, and each of the said towns are declared to have been parties to the said agreement from the date of incorporation of such town respectively. Towns declared parties to agreement.

4. This Act shall come into force on the day upon which it receives the Royal Assent. Commencement of Act.

## CHAPTER 19.

## An Act respecting the Department of Agriculture.

*Assented to 8th April, 1926.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

- Short title.**      **1.** This Act may be cited as *The Department of Agriculture Act, 1926*.
- Interpretation.**      **2.** In this Act,—
- “Department.”      (a) “Department” shall mean Department of Agriculture;
- “Minister”      (b) “Minister” shall mean Minister of Agriculture;
- “Regulations.”      (c) “Regulations” shall mean regulations made under the authority of this Act. 1917, c. 23, s. 2.
- Department of Agriculture continued.**      **3.** The Department of Agriculture shall be continued and shall be presided over by the Minister. 1917, c. 23, s. 3, *amended*.
- Deputy Minister.**      **4.** Subject to the provisions of *The Public Service Act* there may be appointed a Deputy Minister of Agriculture and such other officers, clerks and servants as the Minister may deem necessary for the proper conduct of the business of the Department. 1917, c. 23, s. 4 (1) *amended*.
- Powers of Minister.**      **5.** Subject to the provisions of *The Executive Council Act*, the Minister shall have the direction and control of,—
- (a) the administration of the law relating to agriculture in all its branches;
  - (b) the administration of appropriations under the Department of Agriculture;
  - (c) the Ontario Agricultural College;
  - (d) the Ontario Veterinary College;

and



and shall have and perform such other functions, duties and powers as may be assigned to him by the Lieutenant-Governor in Council. 1917, c. 23, s. 6 (1) *amended*.

6. Where any work of the Department is carried on elsewhere than at the seat of Government, the Minister may appoint such officers, clerks, servants and labourers as he may deem necessary and may fix their salaries or other remuneration, and may designate the appropriation against which the same shall be charged and such salaries and other remuneration shall be payable out of such appropriation accordingly. 1917, c. 23, s. 7 (2).

Appoint-  
ment and  
remunera-  
tion of  
outside  
officials.

7. The Minister shall in each year submit to the Lieutenant-Governor in Council a report of the proceedings of the Department during the next preceding fiscal year, and such report shall be laid before the Assembly forthwith, and if the Legislature is not at the time in session, then within thirty days after the commencement of the next session thereafter. R.S.O. 1914, c. 45, s. 8.

Annual  
report by  
Minister.

8. The following Acts and parts of Acts are repealed,—

Acts and  
parts of  
Acts  
repealed. ■ ■

R.S.O. 1914, Chapter 45—Sections 1, 8.

1917, Chapter 23—The Whole.

1919, Chapter 25—Section 36.

## CHAPTER 20.

An Act respecting the Royal Agricultural Winter  
Fair Association and the City of Toronto.

*Assented to 8th April, 1926.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as *The Winter Fair Act, 1926*.

Agreement  
with city  
authorized.

2. The Royal Agricultural Winter Fair Association of Canada and the municipal corporation of the City of Toronto are authorized to enter into an agreement in the form or to the effect set out in schedule A to this Act, and upon the due execution of such agreement the same shall be legal, valid and binding upon the said association and the corporation of the City of Toronto and the ratepayers thereof.

By-law for  
issue of  
debentures.

3. The council of the corporation of the City of Toronto may, without the assent of the electors qualified to vote on money by-laws, pass a by-law or by-laws for the issue of debentures to raise the sum required to be raised under the provisions of the said agreement.

Commence-  
ment of  
Act.

4. This Act shall come into force on the day upon which it receives the Royal Assent.

## SCHEDULE A

MEMORANDUM OF AGREEMENT made this                      day  
1925.

BETWEEN

THE ROYAL AGRICULTURAL WINTER FAIR ASSOCIATION OF CANADA,  
hereinafter called the "ASSOCIATION,"

of the first part,

AND

THE CORPORATION OF THE CITY OF TORONTO,

hereinafter called the "CITY,"

of the second part.

WHEREAS the Association is a body corporate and politic incorporated by Letters Patent without share capital under The Ontario Companies Act for the following purposes and objects, that is to say: To establish, maintain and conduct a national fat stock fair and breeding show in the City of Toronto for the exhibition of farm animals of all kinds, products of farms, gardens, dairies and apiaries and for the giving of prizes to exhibitors and generally for the encouragement of the animal industry and of farm industries in Canada;

AND WHEREAS, to provide accommodation for the holding of such a show by the Association, the City, at its own expense, in or about the year 1920, erected in Exhibition Park, Toronto, owned by the City, a building commonly known as "The Coliseum," at a cost of approximately \$1,300,000.00, to provide for which cost the City has annually to raise a sum of about \$95,000.00 for a period of thirty years.

AND WHEREAS the Association has for several years held an annual show or exhibition of farm animals and products of farms, gardens, dairies and apiaries and other similar exhibitions in "The Coliseum" aforesaid, (which building has been occupied by the Association for the purpose of such show or exhibition under the provisions of an agreement made between the parties hereto and dated the 27th day of May, 1921, as amended by a further agreement between the same parties dated the 27th day of June, 1923,) and in certain live stock buildings near "The Coliseum" in the said Exhibition Park;

AND WHEREAS the Association considers that the space available in "The Coliseum" and the said live stock buildings is inadequate to meet the growing requirements of the Association and that it is accordingly necessary to have erected an additional building or buildings in order to provide suitable accommodation for all the live stock and other exhibits annually entered for competition or display in the Association's show or exhibition;

AND WHEREAS in order to provide funds for the erection of such additional building or buildings the Association has applied for grants to the Governments of the Dominion of Canada and of the Province of Ontario;

AND WHEREAS by an Order-in-Council, approved by the Deputy of His Excellency the Governor-General of Canada on the 3rd day of July, 1925 (a copy of which Order-in-Council is hereunto annexed), the Government of the Dominion of Canada has provided that the Association be granted the sum of \$35,000.00 for the fiscal year 1926-1927, payable from the live stock appropriation and that subject to the passing of the necessary legislation at the next session of Parliament, annual payments of the same amount, namely, \$35,000.00, be made to the Association for nineteen consecutive years immediately after the year 1926-1927 upon the conditions set out in the said Order-in-Council;

AND



AND WHEREAS by an Order-in-Council approved by His Honour the Lieutenant-Governor of the Province of Ontario dated the 14th day of August, 1925 (a copy of which Order-in-Council is hereunto annexed), it is provided that upon the conditions therein set out and subject to the passing of the necessary legislation at the next session of the Legislature of the Province of Ontario annual payments of \$35,000.00 each will be made by the Province out of the funds of the Province of Ontario for twenty consecutive years commencing with the year 1926-1927;

AND WHEREAS the Association has requested the City to proceed with the erection of such additional building or buildings upon the lands of the City known as Exhibition Park upon a site therein to be approved by the Association and by the Ministers of Agriculture of the Dominion of Canada and the Province of Ontario, respectively.

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the premises the parties hereto have agreed as follows:—

1. The Association will forthwith cause to be made plans and specifications for the erection and equipment of the said building or buildings required to provide additional accommodation for the Association (hereinafter referred to as the New Building) and will obtain the approval of said plans and specifications and of the site of the New Building by the Minister of Agriculture of the Dominion of Canada and the Minister of Agriculture of the Province of Ontario, or the officers named by them respectively, as provided in said Orders-in-Council, and also by the City and by the Canadian National Exhibition Association, it being understood that the Association will without expense to it, make use of the services of the City Architect and Superintendent of Building in the preparation of the said plans and specifications, and will not employ any other architect.
2. Upon the said plans and specifications and site being so approved the City will proceed with the erection and equipment of the New Building in Exhibition Park, which New Building and equipment shall be the property of the City subject only to the provisions of this agreement.
3. In erecting and equipping the said New Building, the City shall, before awarding any contract, procure through the Association the approval of the Minister of Agriculture of the Dominion of Canada and of the Minister of Agriculture of the Province of Ontario, or the officers respectively appointed by them for said purpose, to the cost of erecting and equipping said building, and the City also will allow proper officers of the Province of Ontario to inspect the work of construction while in progress and to audit the construction cost.
4. Upon the completion of the New Building by the City and the ascertainment of its total cost, including the cost of the preparation of the plans and specifications, the City will issue serial debentures to raise the full amount of such total cost, which debentures shall be paid off during a period not exceeding twenty years from their date in annual instalments of such amounts as will provide an annual reduction of at least \$70,000.00 in the amount outstanding for principal and interest on said debentures.
5. To provide for the payment of the principal and interest of said debentures to fall due in each of the said twenty years the annual payments of \$35,000.00 each to be made by the Governments of the Dominion of Canada and Province of Ontario under the provisions of the said Orders-in-Council, or any legislation passed in accordance with the provisions of said Orders-in-Council, shall be paid over to the City as they are made, and the Association hereby assigns and transfers to the City all its right, title or interest in the said payments and each of them.
6. It is understood and agreed that although the Orders-in-Council hereinbefore referred to provide for a total payment of \$1,400,000.00 half by the Government of the Dominion of Canada, and half by the Government of the Province of Ontario, in annual payments of \$35,000.00 each for a period of twenty years, the amount that the City is to receive from said payments is not to exceed the amount actually required to pay off the principal and interest of its said debentures according to the terms thereof,

and

and that if such required amount shall be less than \$1,400,000.00, such annual payments of \$35,000.00 each shall only be made for such period of years less than twenty as will provide the City with such required amount, and the payments in the last year of such period shall be reduced to such amount as shall be required to pay off the principal and interest of the debentures then outstanding.

7. From and after the coming into effect of this agreement the agreements now existing between the Association and the City, namely, the said agreements bearing date the 27th day of May, 1921, and the 27th day of June, 1923, respectively, shall be at an end and this agreement shall constitute the only agreement between the parties in respect to the matters dealt with in the said two agreements, and hereafter the Association shall have the right for the purposes of its show or exhibition, to the exclusive occupation of the building known as "The Coliseum," referred to in the said agreements and of the said live stock buildings near "The Coliseum" and of the said New Building, and of such portion of Exhibition Park adjoining said buildings as may in the judgment of the Commissioner of Parks for the City of Toronto be reasonably required for the proper operation of the Association's show or exhibition, for one month in each year during a period of twenty years which one month shall be either the month of November or a period of one month partly in November and partly in December as the Association may from year to year decide; Provided that the Association will on or before the 1st day of August in each year notify in writing the said Commissioner of Parks of the date when it requires its occupation in such year to commence, and that its right to occupation hereunder shall not in any year extend beyond the 15th day of December.

8. During the said period of twenty years the Association shall also have the right to the exclusive use and occupation of that part of the said New Building and equipment comprising the sale or show ring, and sufficient stabling accommodation adjacent thereto, at all other times when same are required for the holding of sales of registered live stock, except when required for the purposes of the Canadian National Exhibition Association, its successors or assigns; Provided that any revenue received by the Association for the use of such premises for sales of registered live stock shall be handed over to the City.

9. The New Building and equipment to be provided by the City as aforesaid shall at all times during the said period of twenty years be maintained, insured and kept in repair by the City, and in case same or any part of same shall be destroyed during the said period the City will replace same at its own expense and the provisions of this agreement shall apply to such replaced building or equipment.

10. The City will also, as the construction of the New Building proceeds, instat and thereafter maintain sewerage facilities adjacent to same so that proper drainage may be secured, and will also provide a roadway adjoining the railway tracks for unloading purposes, and such other roadways or approaches to the New Building as may in the opinion of the said Commissioner of Parks be necessary to allow proper access to the New Building by the public so that the Association's exhibition or show may be properly operated.

11. When not being used by the Association as herein provided the City may use the said buildings for any of its purposes and may rent the same from time to time for any purpose. The City, however, agrees that it will not hold or permit to be held in the said buildings any show or exhibition which shall be in direct competition with the Association's show or exhibition, but, without limiting the generality of the foregoing, this restriction shall not be construed as applying to prevent the holding of a spring show of saddle and harness horses or the exhibition held by the Canadian National Exhibition Association, its successors and assigns.

12. It is hereby understood and agreed, that the plans for the New Building are to provide for the construction of part of same for use as an office and another part of same for use as a store-room in which to keep stored the equipment provided by the Association for its show or exhibition,



and that the provisions of the next preceding clause for use by the City shall not apply to such office and store-room, which the Association shall keep locked up at all other times when the said buildings and equipment and the adjoining portion of Exhibition Park are not being used by it as hereinbefore provided.

13. The City will on each occasion hand over the buildings and equipment to the Association in a clean and sanitary condition and will not at any time during the said twenty years without the approval of the Association make any material change in the New Building or its interior arrangement or equipment or any change in the plans of the grounds immediately adjoining said building that will materially interfere with or add to the expense of the proper operation of the Association's show or exhibition.

14. During the Association's show or exhibition and at such other times as the said sale or show ring is being used by the Association, the City will, at the expense of the Association as hereinafter provided, provide water, heat and light of similar extent and character as it has heretofore supplied to "The Coliseum" during the Association's occupation of same.

15. Both parties hereto will endeavour to arrange with the transportation companies for proper railway loading and unloading facilities and a proper street car service to the Association's show or exhibition.

16. The City will provide proper police and fire protection to the grounds and building during the Association's show or exhibition.

17. Upon the expiration of the said period of twenty years the City will make a further agreement with the Association for the use of said buildings upon terms to be then agreed upon.

18. The Association contracts and agrees with the City:

(a) In each year after the expiration of ten years from the date of this agreement to pay to the City for its own use the amount remaining after payment of operating expenses in the hands of the Association at the end of each of its fiscal years over and above the sum of ten thousand dollars (\$10,000.00) and such payments shall be deemed to be made in payment of rental for the existing Coliseum Buildings which were erected by the City at a cost of about \$1,300,000.00 as hereinbefore set out. The said sum of ten thousand dollars is only one sum of that amount, and all revenue beyond what may be necessary to keep up one continuous permanent sum of ten thousand dollars is to be annually handed over to the City as hereinbefore provided after the expiration of ten years from the date of this agreement.

(b) To pay to the City on demand from time to time the amount of the cost to the City of supplying any water, heat or light required for the said buildings or any part of same while occupied by the Association.

(c) That the Association will in each year during the said period of twenty years hold in the said buildings a show or exhibition of farm animals of all kinds and of products of farms, gardens, dairies and apiaries, and of other exhibits within the powers of the Association, which show or exhibition shall be of at least one week's continuous duration and shall be held in the period between the first day of November and the fifteenth day of December in each year.

(d) That the Association will provide a prize list for each such annual show or exhibition of at least forty thousand dollars, and will distribute and pay in full the amount of each such prize list as is won in competition.

(e) That the Association will obtain the approval of the Minister of Agriculture of the Dominion of Canada and of the Minister of Agriculture of the Province of Ontario, or the officers respectively named by them for the purpose, to the allocation of space for the different classes of live stock and other exhibits and of the premiums offered in the different

classes,



classes, in each of the annual shows or exhibitions, as required by the provisions of the Orders-in-Council hereinbefore mentioned.

(f) That in the event of the Association failing to fulfil the covenants and agreements herein provided to be performed by it, or any of same, the City shall have the right upon giving to the Association six months' notice in writing to declare the rights of the Association under this agreement to be cancelled, and upon the City exercising such right the rights of the Association under this agreement shall be forthwith terminated unless in the meantime the Association shall have remedied its default. The said notice may be given by posting, in the post office at Toronto, a registered letter addressed to either the President or Secretary of the Association at his last known address.

19. Subject to the provisions of Section 8 hereof the rights of the Association under this agreement may not be assigned without the City's consent, and such consent may notwithstanding any statutory provision be arbitrarily refused in the City's sole and uncontrolled discretion.

20. This agreement is to take effect upon the passing of legislation as provided in the said Orders-in-Council and further legislation to give effect to this agreement and to enable the City to issue the debentures hereinbefore mentioned without the assent of the electors qualified to vote on money by-laws, and both parties hereto will endeavour to secure the passing of such legislation at the next session of the Legislature of the Province of Ontario.

# C O P Y

P.C. 1041

CERTIFIED COPY OF A MINUTE OF A MEETING OF THE COMMITTEE OF THE PRIVY COUNCIL, approved by the Deputy of His Excellency the Governor-General on the 3rd July, 1925.

The Committee of the Privy Council have had before them a report, dated 29th June, 1925, from the Minister of Agriculture, submitting that the Royal Agricultural Winter Fair, held annually in Toronto, has up to the present been quite successful, although the space available for live stock and other exhibits has proven inadequate and insufficient to provide accommodation for all the live stock and other exhibits entered for competition in the various classes, and it has become apparent that additional accommodation must be provided at this Fair if it is to retain its really national and international character.

That it would seem to be in the public interest for the Department of Agriculture to have some measure of control over the space to be allocated to the different classes of live stock and other exhibits at this Fair, and also over the premiums offered to winners of the various classes.

That this Fair should in the interests of agriculture, and particularly the live stock industry, receive encouragement from the Federal Government.

The Minister is of the opinion that the Dominion Government should grant some financial assistance in the erection of additional buildings to provide accommodation for live stock and such other exhibits as it might be advisable to place therein.

The Minister observes that the matter has been submitted to and has received the approval of the Department of Justice and the Auditor-General; he therefore recommends that the sum of \$35,000.00 be granted to this Fair for the fiscal year 1926-27, payable from the Live Stock appropriation.

The Minister further recommends that, subject to the passing of the necessary legislation at the next session of Parliament, annual payments of the same amount, namely, \$35,000.00, be made from the same appro-

priation

priation for nineteen successive years immediately after the year 1926-27, under the following conditions:—

1. That the Directors of this Fair agree to make such allocation of space for the different classes of live stock or other exhibits in their buildings as may be approved by the Minister of Agriculture or one of his officers to be named by him;

2. That the premiums offered each year for the different classes shall be offered subject to the approval of the Minister of Agriculture or one of his officers to be named by him;

3. That the Royal Agricultural Winter Fair agrees to erect these buildings according to plans and specifications, and at a cost approved by the Minister of Agriculture, or an officer named by him; and

4. That the Government of the Province of Ontario make to this Fair a grant equal in amount and for the same period as the grant from the Dominion Government.

The Committee concur in the foregoing and submit the same for Your Excellency's approval.

(Sgd.) E. J. LEMAIRE,  
*Clerk of the Privy Council.*

#### ONTARIO

#### EXECUTIVE COUNCIL OFFICE.

Copy of an Order-in-Council, approved by His Honour the Lieutenant-Governor, dated the 14th day of August, A.D. 1925.

The Committee of Council have had under consideration the report of the Honourable Geo. S. Henry, Acting Minister of Agriculture, dated 12th August, 1925, wherein he states that the Royal Agricultural Winter Fair Exhibition, in Toronto, is in need of assistance to provide adequate and sufficient accommodation for live stock entered for competition in various classes and that the Government of Canada has appropriated \$35,000.00 per annum for the period of twenty consecutive years commencing in 1926-7, for such purpose upon certain conditions, amongst others, that the Government of the Province of Ontario make a grant equal in amount and for the same period as the grant from the Dominion Government, and that it is in the public interest that the assistance asked for should be granted.

The Acting Minister of Agriculture recommends that subject to the passing of the necessary legislation at the next Session of the Legislature, annual payments of \$35,000.00 each to be made for twenty consecutive years, commencing with the year 1926-7, subject to the following conditions:—

(1) That the Government of the Dominion of Canada make payment of a similar amount for the same period and for a like purpose.

(2) That an agreement approved by the Minister of Agriculture be entered into between the said Royal Agricultural Winter Fair and the Corporation of the City of Toronto to facilitate carrying on the Fair annually, which agreement shall among other things provide for;

(a) The erection and equipment of a building or buildings according to plans and on a site approved by the Minister of Agriculture, to provide such additional accommodation.

(b) The use by the Royal Agricultural Winter Fair of the building or buildings to be erected and equipped and of other buildings now situated on Exhibition Park, necessary for the proper housing and display of exhibits at, and the operation annually of, the Royal Agricultural Winter Fair.

(c) The maintenance, insurance and replacement of the building or buildings to be erected and equipment installed under the said agreement.

(d) The period of time during which under the agreement the said provision for an extension of such time.

(e) The use of the building or buildings as may be required from time to time for conducting auction sales of live stock.

(3) That the directors of said Fair agree to make allocation of space for the different classes of live stock or other exhibits in their buildings as may be approved by the Minister of Agriculture of Ontario, or one of his officers to be named by him.

(4) That the premiums offered each year for the different classes shall be offered subject to the approval of the Minister of Agriculture of Ontario, or one of his officers to be named by him.

(5) That the Royal Agricultural Winter Fair agrees to erect these buildings according to plans and specifications, and at a cost approved by the Minister of Agriculture of Ontario, or an officer named by him.

(6) That the Province reserves the right of inspection of the work in progress by the Department of Public Works.

(7) That the Province reserves the right to audit the construction cost.

The Committee of Council concur in the recommendation of the Honourable Geo. S. Henry, Acting Minister of Agriculture, and advise that the same be acted on.

Certified,

C. F. BULMER,  
*Clerk, Executive Council.*



## CHAPTER 21.

An Act to make Certain Changes in the Law in  
Consequence of the Revision of the Statutes.*Assented to 8th April, 1926.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.      **1.** This Act may be cited as *The Statute Revision Amendment Act, 1926*.

Rev. Stat.  
c. 1, s. 29,  
amended.      **2.** Section 29 of *The Interpretation Act* is amended by adding after clause *u* the following as clause *ua*,—

“News-  
paper,”      (*ua*.) “Newspaper” in any statute requiring publication in a newspaper shall mean a printed publication in sheet form, intended for general circulation, published regularly at intervals of not longer than a week, consisting in great part of news of current events of general interest and sold to the public and to regular subscribers upon a bona fide subscription list.

1917, c. 27,  
s. 12; 1914,  
c. 21, s. 71,  
repealed.      **3.** Subsections 4 and 5 of section 17 of *The Ontario Public Service Act* as enacted by 1917, c. 27, s. 12, and section 71 of *The Statute Law Amendment Act, 1914*, are repealed.

Rev. Stat.  
c. 19, s. 4,  
repealed.      **4.** Section 4 of *The Official Notices Publication Act* is repealed.

Rev. Stat.  
c. 25,  
ss. 7, 8, 9,  
repealed.      **5.**—(1) Sections 7, 8 and 9 of *The Law Stamps Act* are repealed and the following substituted therefor,—

Unstamped  
documents.      **7.** No judge or officer of the court shall allow any action or step to be taken upon any document not duly stamped although no exception is taken thereto by any of the parties.

Fixing  
stamp to  
memo-  
randum.      **8.** In cases in which a fee is payable but a document is not required the stamp shall be affixed to a memorandum retained by the officer.

9. A sheriff, officer or other person shall not serve or execute any writ, rule, order or proceeding, or a copy thereof, upon which a fee is payable, which is not duly stamped. Officers not to serve unstamped process.

(2) Section 14 of the said Act is repealed.

Rev. Stat.  
c. 25, s. 14,  
repealed.

**6.**—(1) Subsection 1 of section 12 of *The Public Lands Act* is amended by inserting after the words "expedient for" in the third line the words "roads and for." Rev. Stat.  
c. 28, s. 12,  
subs. 1,  
amended.

(2) Subsection 1 of section 60 of the said Act as enacted by 1921, c. 15, s. 3, is amended by striking out the words "or intestacy" in the sixth line. Rev. Stat.  
c. 28, s. 60,  
subs. 1  
(1921, c. 15,  
s. 3),  
amended.

**7.** *The Metal Refining Bounty Act*, R.S.O. 1914, chapter 33, and Chapter 10 of the Acts passed in 1918 are repealed. Rev. Stat.  
c. 33, 1918,  
c. 10,  
repealed.

**8.**—(1) Subsection 2 of section 2 of *The Town Sites Act* as enacted by 1922, c. 25, s. 2, is repealed and the following substituted therefor,— Rev. Stat.  
c. 34, s. 2 (2),  
repealed.

- (2) When it is deemed advisable to do so the Lieutenant-Governor in Council may agree to accept a money payment in lieu of the rights of the Crown under this Act. Commuting Crown's rights in townsites for money payment.

(2) Subsection 3 of the said section is amended by striking out the words "by all persons claiming under him" in the last line and substituting therefor the words "or any person to whom he has conveyed his rights." Rev. Stat.  
c. 34,  
s. 2 (3).

**9.** *The Bureau of Labour Act* is repealed.

Rev. Stat.  
c. 37,  
repealed.

**10.**—(1) Section 4 of *The Colonization Roads Act* is amended by adding the following as subsection 3,— Rev. Stat.  
c. 41, s. 4,  
amended.

- (3) A by-law passed with the approval of the Minister shall not be open to question in any court upon any ground whatever. 1914, c. 17, s. 2, *last part amended.* By-laws validated.

(2) The said Act is further amended by adding the following as section 4a,— Rev. Stat.  
c. 41,  
amended.

- 4a. Every municipal corporation which avails itself of the provisions of this Act shall have and may exercise all the powers necessary for carrying out the work undertaken. 1914, c. 17, s. 2, *first part amended.* Powers of municipality under Act.

1914, c. 17,  
s. 2,  
repealed.

(3) Section 2 of chapter 17 of the Acts passed in 1914 is repealed.

Rev. Stat.  
c. 46, s. 18,  
amended.

**11.** Section 18 of *The Agricultural Associations Act* is amended by striking out the first four lines of the said section and inserting in lieu thereof the following: "Every association shall be entitled to receive annually out of any moneys appropriated by the Legislature for that purpose a specified sum on the following conditions:—"

Rev. Stat.  
c. 54, s. 5,  
amended.

**12.**—(1) Section 5 of *The Privy Council Appeals Act* is amended by striking out the word and figure "Form 1" in the second line.

Ib. s. 13,  
repealed.

(2) Section 13 of the said Act is repealed.

Ib. Forms  
1 and 2,  
repealed.

(3) The said Act is amended by striking out Forms 1 and 2.

Rev. Stat.  
c. 67,  
repealed.

**13.** *The Boundary Line Dispute Act* is hereby repealed.

Rev. Stat.  
c. 69, s. 4,  
amended.

**14.**—(1) Section 4 of *The Replevin Act* is amended by striking out the words "*The Liquor License Act*" in the fifth line and substituting therefor the words "*The Ontario Temperance Act* or any other Act of this Province for prohibiting or regulating the manufacture, sale, transportation, distribution, possession or disposition of liquor as defined by *The Ontario Temperance Act*."

Rev. Stat.  
c. 69, ss. 8, 9,  
repealed.

(2) Sections 8 and 9 of the said Act are repealed.

Rev. Stat.  
c. 70, s. 13,  
repealed.

**15.**—(1) Section 13 of *The Dower Act* is repealed and the following substituted therefor,—

Sale, etc.,  
free from  
dower.

13. A person whose wife is of unsound mind and confined as such in a provincial hospital for the insane in Ontario at the time he becomes the owner of any land may at any time while his wife is so confined, sell and convey or mortgage such land, freed and discharged of any claim of his wife for dower therein.

Rev. Stat.  
c. 70, s. 14,  
subs. 1,  
amended.

(2) Subsection 1 of section 14 of *The Dower Act* is amended by striking out the words "unless the judge otherwise directs" in the seventh line.

Ib. s. 14,  
amended.

(3) The said section 14 is further amended by adding the following as subsection 1a,—

Service of  
notice of  
application  
to judge.

(1a) Where for any reason notice cannot be served personally the order may be made after notice has been served upon the Public Trustee and in such other manner as the judge may direct.



(4) Subsection 2 of the said section 14 is amended by inserting after the word "shall" in the fifth line the words "be paid into court or shall." Ib s. 14, subs. 2, amended.

(5) Subsection 5 of the said section 14 is amended by striking out the words "Inspector of Prisons and Public Charities" in the fifth and sixth lines and substituting therefor the words "Public Trustee." Ib s. 14, subs. 5, amended.

**16.** Subsection 3 of section 17 of *The Settled Estates Act* is amended by striking out the words "*The City and Suburbs Plans Act*," and substituting therefor the words "*The Planning and Development Act*," and any other Act dealing with the subdivision of lands and the registration of plans." Rev. Stat. c. 74, s. 17, subs. 3, amended.

**17.** Section 37 of *The Limitations Act* is repealed and the following substituted therefor,— Rev. Stat. c. 75, s. 37, repealed.

37. No person shall acquire a right by prescription to the access and use of light or to the access and use of air to or for any dwelling-house, workshop or other building, but this section shall not apply to any such right acquired by twenty years' use before the 5th day of March, 1880. Prescriptive rights to light and access and use of air abolished.

**18.** Sections 14 and 15 of *The Evidence Act* are repealed and the following substituted therefor,— Rev. Stat. c. 76, ss. 14, 15, repealed.

14. Where an oath may be lawfully taken it may be administered to any person while such person holds in his hand a copy of the old or new Testament without requiring him to kiss the same or when he objects to being sworn in this manner or declares that the oath so administered is not binding upon his conscience then in such manner and form and with such ceremonies as he may declare to be binding. Mode of administering oath.

15.—(1) Where any person objects to be sworn from conscientious scruples, or on the ground of his religious belief, or on the ground that the taking of an oath would have no binding effect on his conscience, such person may in lieu of taking an oath make an affirmation and declaration which shall be of the same force and effect as if such person had taken an oath in the usual form. Affirmation in lieu of oath.

(2) Where the evidence is in the form of an affidavit or written deposition the person before whom the same is taken shall certify that the deponent satisfied him that he was a person entitled to affirm. Written affirmation.

Rev. Stat.  
c. 81, s. 7,  
amended.

**19.** Section 7 of *The Creditors Relief Act* is amended by adding the following as subsection 2,—

- (2) Where a sale has taken place under an execution, the proceedings hereinafter authorized may be taken by any creditor of the execution debtor even though his claim is not then due.

Rev. Stat.  
c. 86,  
repealed.

**20.** *The Damage by Flooding Act* is repealed.

Rev. Stat.  
c. 109  
amended.

**21.** *The Conveyancing and Law of Property Act* is amended by adding the following as section 40a,—

Effect of  
reservation  
of right-of-  
way or other  
easement.

- 40a. Where by the terms of any conveyance of land, a right of way or easement is reserved or excepted from the land thereby transferred or charged, such reservation or exception shall be effectual and shall be deemed always to have been effectual to vest said right-of-way or other easement in the transferor or chargor of the land, notwithstanding that the transferee or chargee does not execute the instrument.

Rev. Stat.  
c. 128,  
repealed.

**22.** *The Millers Act* is repealed.

Rev. Stat.  
c. 186, s. 5,  
subs. 5, cl. a,  
repealed.

**23.** Clause *a* of subsection 5 of section 5 of *The Ontario Railway and Municipal Board Act* is repealed.

1917, c. 25,  
repealed.

**24.** *The Farm Loans Act, 1917*, is repealed.

1919, c. 23,  
s. 22,  
amended.

**25.**—(1) Section 22 of *The Vital Statistics Act, 1919*, is amended by adding the following as subsection 3,—

Certificate  
of birth  
registration.

- (3) A certificate of registration shall be given by the division registrar to the person registering, free of charge.

*Ib.* s. 24,  
repealed.

(2) Section 24 of the said Act is repealed and the following substituted therefor,—

Registration  
of birth of  
illegitimate  
child.

24. An illegitimate child shall be registered in the name of the mother and the name of the father shall not be recorded unless the father and the mother request registration in the name of the father.

*Ib.*, amended

(3) The said Act is amended by adding the following as section 24a,—

Child  
born after  
marriage to  
be registered  
as legitimate.

- 24a. No child born in wedlock shall be registered as illegitimate.

(4) Subsection 1 of section 35 of the said Act is repealed and the following substituted therefor,— 1919, c. 23, s. 35, subs. 1, repealed.

35. Where there is reason to believe that a person has died as the result of violence or misadventure or by unfair means or from any cause other than disease or as the result of negligence or misconduct on the part of others or under such circumstances as require investigation, no burial permit shall be issued by a division registrar unless and until notice has been given to him by the coroner that he has examined the body and made inquiry into the circumstances of the death as provided by *The Coroners Act*, or until an inquest has been held and the coroner has furnished the particulars required in the prescribed form, nor shall the body be embalmed or cremated until such notice is given or inquest held, unless in the meantime the coroner so directs. When burial permit not to be given without enquiry by coroner.

(5) *The Vital Statistics Act*, being chapter 49 of the Revised Statutes of Ontario, 1914, is hereby repealed. Rev. Stat. c. 49, repealed.

**26.**—(1) Subsection 1 of section 17 of *The Ontario Public Service Superannuation Act* is amended by striking out the words "retire from the service of the Government upon attaining the age of 70 years" at the end of the said subsection, and substituting therefor the words "cease to hold office upon attaining the age of 70 years and upon the adoption by the Lieutenant-Governor in Council of the report of the Board fixing his superannuation or retiring allowance." 1920, c. 4, s. 17, subs. 1, amended.

(2) To remove doubts it is declared that the following words "This section shall come into force on a day to be named by the Lieutenant-Governor by his proclamation" occurring in section 6 of *The Ontario Public Service Superannuation Act*, 1924, apply, and always have applied, to the sections repealed as well as to the section substituted. 1924, c. 7, s. 6, amended.

**27.** Section 9 of *The Veterinary Science Practice Act* is repealed and the following substituted therefor,— 1920, c. 51, s. 9, repealed.

9. Any person holding a certificate from the Minister shall be entitled to \$4 per day when called as a witness in any court to give a professional opinion, or in consequence of any professional service rendered by him. Professional evidence—fees.

**28.** *The Sheriffs Act*, 1922, is repealed.

1922, c. 6, repealed.



**29.** Notwithstanding anything contained in section 5 of *The County Judges Act, 1919*, while the present senior judge of the county court of the county of York continues in office there shall be payable to each of the five junior judges of the said court the sum of \$1,600 annually in lieu of the provision made for payment of an annual allowance to any of the said junior judges by the said section.

1919, c. 26,  
Annual  
allowance  
to county  
judges in  
York.

Rev. Stat.  
c. 112, s. 11,  
subs. 2-6,  
(1915, c. 21,  
s. 1),  
repealed.

**30.** Subsections 2 to 6 of section 11 of *The Mortgages Act*, enacted by section 1 of the Act passed in the year 1915, chaptered 21 are repealed and the following substituted therefor,—

Where  
mortgagee  
cannot be  
found.

- (2) When a mortgagor or any person entitled to pay off a mortgage desires to do so and the mortgagee, or one of several mortgagees, cannot be found or when a sole mortgagee or the last surviving mortgagee is dead and no probate of his will has been granted or letters of administration issued, or where from any other cause a proper discharge cannot be obtained, or cannot be obtained without undue delay, the court may permit payment into court of the amount due upon the mortgage and may make an order discharging the mortgage.

Payment  
into court.

Order for  
discharge.

Payment  
out.

- (3) The money paid into court shall be paid out of court with any accrued interest to the mortgagee or mortgagees or to the executor or administrator of the mortgagee or as the court by order for payment into court or any subsequent order may direct.

Notice to  
mortgagee.

- (4) The court may require notice to be given by advertisement or as may be deemed proper to the mortgagee or those claiming under him either before or after making the order.

When  
amount  
offered  
questioned.

- (5) When the amount admitted to be due upon the mortgage appears to be open to question the court may as a condition of making the order require payment into court of a sum in excess of the amount admitted to be due and in such case the additional sum shall be subject to the further order of the court.

Provision for  
subsequent  
interest and  
costs.

- (6) The court may require payment into court of an additional sum to answer any claim by the mortgagee for subsequent interest and costs.

Death of  
mortgagee—  
order for  
discharge.

- (7) When a mortgagee has died and all money due upon the mortgage was paid to him in his lifetime or has been paid to a person entitled to receive the same

after

after his death and for any reason a discharge or reconveyance cannot be obtained without undue delay and expense the court may make an order discharging the mortgage.

- (8) Upon the registration of an order discharging a mortgage it shall have the same effect as the registration of a certificate of discharge signed by the mortgagee would have under *The Registry Act*.

Registration  
of order dis-  
charging.

Rev. Stat.  
c. 124.

**31.** This Act shall come into force on the day upon which it receives the Royal Assent.

Commence-  
ment of  
Act.

## CHAPTER 22.

## An Act to amend The Judicature Act.

*Assented to 8th April, 1926.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

**1.** This Act may be cited as *The Judicature Act, 1926.*

Rev. Stat.  
c. 56,  
amended.

**2.** *The Judicature Act* is amended by adding thereto the following section,—

Review of  
proceedings  
on motion  
to quash  
conviction

**63a.** Upon a motion to quash a conviction it shall be the duty of the judge to examine and consider the proceedings returned to the court and if such proceedings show that the person accused has been convicted of any offence known to the law, and that there is any evidence to sustain the conviction, such conviction shall be affirmed, but otherwise such conviction shall be quashed; provided, however, that if the evidence returned shows that the accused is guilty of an offence against the law, or that the conviction, though irregular, ought to be amended or drawn so as to duly describe such offence, the conviction shall be affirmed or amended as justice may require.

Commence-  
ment of  
Act.

**3.** This Act shall come into force on the day upon which it receives the Royal Assent.



## CHAPTER 23.

## An Act to amend The Surrogate Courts Act.

*Assented to 8th April, 1926.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**1.** This Act may be cited as *The Surrogate Courts Act, 1926*. Short title.

**2.** *The Surrogate Courts Act* is amended by adding thereto the following section,—

Rev. Stat.  
c. 62, s. 74,  
subs. 1,  
amended.

38a. A notarial will made in the Province of Quebec may be admitted to probate without the production of the original will upon filing a notarial copy thereof together with the other proper proofs to lead grant.

Quebec  
probate.

**3.** Subsection 1 of section 74 of *The Surrogate Courts Act* is amended by adding thereto the following clause,—

Rev. Stat.  
c. 62,  
amended.

(a) Letters of verification issued in the Province of Quebec shall be deemed to be a probate within the meaning of this section.

Notarial  
wills made in  
Quebec.

**4.** This Act shall come into force on the day upon which it receives the Royal Assent.

Commence-  
ment of  
Act.

## CHAPTER 24.

## An Act to amend The Jurors' Act.

*Assented to 8th April, 1926.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as *The Jurors' Act, 1926*.

Rev. stat.  
c. 64, ss. 61, 62,  
repealed.

2. Sections 61 and 62 of *The Jurors' Act* are repealed and the following substituted therefor,—

Copies of  
panel to be  
transmitted  
to clerk of  
the peace  
and to cen-  
tral office or  
local  
registrar.

61. The sheriff shall, upon his return to the precept, annex thereto a panel containing the names, places of abode, and additions of the persons so drafted, and shall transmit one copy thereof to the clerk of the peace, and another to the central office at Osgoode Hall, Toronto, or to the deputy clerk of the Crown, or local registrar, or to the clerk of the county court, as the case may be.

Secrecy of  
jurors book  
and panel.

62.—(1) The jurors' book and every list containing the names of the jury drafted for any panel shall be kept under lock and key by the sheriff and every officer mentioned in section 61 having a copy thereof, and except in so far as may be necessary in order to prepare the lists of the panel, and serve the jury summons, and except as provided in subsection 2, shall not be disclosed by the sheriff, his deputy, officer, clerk, or by any officer mentioned in section 61, or by any other person, until ten days before the sittings of the court for which such panel has been drafted, and during such period of ten days the sheriff, or his deputy, and any officer mentioned in section 61 having a copy of such panel shall permit the inspection at all reasonable hours of the jurors' book, and of such panel or copy thereof in his custody by litigants or accused persons or their solicitors and shall furnish such litigants or accused persons or their solicitors upon request, and payment of a fee of \$2, a copy of any such panel.

When  
copies may  
be furnished.

- (2) A party to a cause may obtain from the sheriff or any other officer mentioned in section 61, having a copy of any panel, leave to examine the jurors' book or such panel upon filing with the sheriff or such other officer an affidavit, made by himself or by his solicitor, stating that an examination of the jurors' book or panel is necessary to determine whether a special jury shall be struck in such cause, and that the examination is not desired and will not be used for any other purpose, and upon also filing with the sheriff or such other officer the consent of the judge of the county court obtained on such material as he may deem sufficient.

When  
examination  
of panel  
may be  
permitted.

- 3.** This Act shall come into force on the day upon which it receives the Royal Assent.

Commence-  
ment of Act.



## CHAPTER 25.

## An Act to amend The Commissioners for Taking Affidavits Act.

*Assented to 8th April, 1926..*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

- Short title.      **1.** This Act may be cited as *The Commissioners for Taking Affidavits Act, 1926.*
- Rev. Stat.  
c. 77, s. 6,  
repealed.      **2.** Section 6 of *The Commissioners for Taking Affidavits Act* is hereby repealed.
- Rev. Stat.  
c. 77,  
amended.      **3.** *The Commissioners for Taking Affidavits Act* is amended by adding the following sections:

## ADMINISTRATION OF THE OATH.

- Duty of Commissioner in administration of oath.      **12.** Every oath and statutory declaration shall be taken by the deponent in the presence of the commissioner, notary public, justice of the peace or other officer or person administering the oath or declaration who shall satisfy himself of the genuineness of the signature of the deponent or declarant and shall administer the oath or declaration in the manner required by law before he signs the jurat or declaration.
- Penalty for signing jurat without administration of oath.      **13.** Every commissioner, notary public, justice of the peace or other officer or person administering an oath or declaration who signs a jurat or declaration without the due administration of the oath or declaration shall incur a penalty of not less than \$25 nor more than \$500 for each offence.
- Making use of affidavit improperly sworn.      **14.** Every one who in any action or proceeding or upon any application or other proceeding out of court, or for the purpose of making or maintaining any claim, files, registers or uses or in any other manner makes

use of any oath, affidavit or statutory declaration knowing that the same has not been taken, sworn to or made in conformity with the provisions of section 12, shall incur a penalty of not less than \$25 nor more than \$500 for each offence.

15. Upon the conviction of a commissioner for taking affidavits, a notary public or justice of the peace for an offence against this Act his commission or appointment may be cancelled or revoked by the constituting authority.

Forfeiture of  
Commission  
or appoint-  
ment.

4. This Act shall come into force on the day upon which it receives the Royal Assent.

Commence-  
ment of  
Act.

## CHAPTER 26.

## The Judges' Orders Enforcement Act.

*Assented to 8th April, 1926.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**Short title.**      **1.** This Act may be cited as *The Judges' Orders Enforcement Act, 1926.*

**Enforcing orders of judge made under special statutory authority.**      **2.**—(1) Subject to the provisions of the Statute under which he acts where jurisdiction is given to a judge as *persona designata* his orders shall be entered in the same way as orders made by him in matters pending in the court of which he is a judge and may be enforced in the same way as judgments of the court.

**Filing of affidavits.**      (2) All affidavits used upon any such application shall be filed with the clerk of the court as upon ordinary applications in a matter pending in the court.

**Fees.**      (3) The same fee shall be paid for such filings and upon any order made as in ordinary proceedings in the court.

**Jurisdiction as to costs, etc.**      **3.** Subject to the provisions of the Statute under which he acts upon any such application the judge shall have the same jurisdiction as to costs and otherwise as in matters in court under his ordinary jurisdiction.

**Appeal.**      **4.**—(1) An appeal shall lie from any such order to the Appellate Division;

(a) when the right of appeal is given by the Statute under which the judge acts, or;

(b) when no such right of appeal is given then by leave of the judge making the order or by leave of a judge of the Supreme Court.

(2) The decision of the Appellate Division shall be final.



**5.** *The Judges' Orders Enforcement Act*, being chapter 79 <sup>Repeal.</sup> of the Revised Statutes of Ontario 1914, is repealed.

**6.** This Act shall come into force on the day upon which <sup>Commence-</sup> it receives the Royal Assent. <sup>ment of</sup>  
<sup>Act.</sup>

## CHAPTER 27.

## An Act to amend The Ontario Habeas Corpus Act.

*Assented to 8th April, 1926.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

**1.** This Act may be cited as *The Ontario Habeas Corpus Act, 1926.*

Rev. Stat.  
c. 84, s. 6,  
repealed.

**2.** Section 6 of *The Ontario Habeas Corpus Act* is repealed and the following sections substituted therefor:—

Issue  
of writ of  
certiorari.

**6.** Where a writ of habeas corpus is issued under the authority of this Act or otherwise, the court or judge may direct the issue of a writ of certiorari directed to the person by whom or by whose authority any person is confined or restrained of his liberty, or other person having his custody or control, requiring him to certify and return to the court or judge as by the writ may be provided, all the evidence, depositions, conviction and all proceedings had or taken, touching or concerning such confinement or restraint of liberty.

Procedure  
on return  
of writ.

**6a.** When upon a return to a writ of habeas corpus it is alleged that the person is detained by reason of a conviction or order other than a conviction or order of the Supreme Court or other court of record upon the return of the writ of certiorari, it shall be the duty of the court or judge to examine and consider the proceedings had and taken to ascertain if the proceedings show that the person restrained has been convicted of any offence against the law and that there is any evidence to sustain the conviction, or that upon the evidence the person accused is guilty of an offence against the law and that the conviction, though irregular, ought to be amended or drawn so as to duly describe the offence of which the person accused is guilty, and in such cases to remand the person detained to custody but otherwise to order his discharge.

Commence-  
ment of  
Act.

**3.** This Act shall come into force on the day upon which it receives the Royal Assent.

## CHAPTER 28.

An Act to consolidate and amend The Justices  
of the Peace Act.*Assented to 8th April, 1926.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**1.** This Act may be cited as *The Justices of the Peace Act*, <sup>Short title.</sup>  
1926.

## PART I.

## QUALIFICATION AND APPOINTMENT OF JUSTICES.

**2.**—(1) Every judge of the Supreme Court of Canada, of the <sup>Justices of the peace</sup> Exchequer Court of Canada, and of the Supreme Court of <sup>*ex officio*.</sup> Ontario, and every judge and junior judge of a county or district court shall be *ex officio* a justice of the peace for every county, district and part of Ontario and as such *ex officio* justice shall have power to do alone whatever is authorized to be done by two or more justices of the peace. R.S.O. 1914, c. 87, s. 3; 1917, c. 27, s. 21.

(2) Sections 3 to 16 shall not apply to any person who is <sup>Idem.</sup> *ex officio* a justice of the peace. R.S.O. 1914, c. 87, s. 4.

**3.** The Lieutenant-Governor, by commission under the Great Seal in pursuance of an Order in Council, whenever he <sup>Appointment by the Lieutenant-Governor in Council.</sup> thinks fit, may appoint one or more justices of the peace in and for every county, city and town in Ontario and in and for each provisional judicial district or provisional county, or for any part of Ontario not forming part of a county or of a provisional judicial district. R.S.O. 1914, c. 87, s. 5.  
*Amended.*

**4.** Where a new general commission of the peace is issued <sup>Effect of a new general commission.</sup> all former general commissions shall become absolutely



revoked and cancelled, but nothing in this Part contained shall prevent the re-appointment of any justice of the peace named in any former commission, if the Lieutenant-Governor thinks fit, and the issue of a supplementary commission of the peace for any county or district shall not operate as a revocation of a general commission. R.S.O. 1914, c. 87, s. 6.

Revocation  
of commis-  
sions when  
town be-  
comes a city.

**5.** Where a town has been erected into a city, and the council of the city duly organized, every commission of the peace for the town shall cease. R.S.O. 1914, c. 87, s. 7.

Quali-  
fications.

**6.** Except where otherwise specially provided all justices of the peace appointed in Ontario shall be of the most sufficient persons dwelling in the counties, districts or places for which they are appointed. R.S.O. 1914, c. 87, s. 8.

Disability of  
practising  
solicitors.

**7.** Except where otherwise specially provided no solicitor shall be a justice of the peace during the time he continues to practise. R.S.O. 1914, c. 87, s. 9.

Disability of  
sheriffs and  
coroners.

**8.** No sheriff or coroner in and for any county, district or place shall be competent or qualified to be a justice of the peace or to act as such for any county, district or place wherein he is sheriff or coroner, under the penalties hereinafter mentioned; and every act done by a sheriff or coroner, by the authority of any commission of the peace, shall be void. R.S.O. 1914, c. 87, s. 10.

Property  
qualification.

**9.**—(1) Except where otherwise provided by law no person shall be or act as a justice of the peace who has not in his actual possession, to and for his own proper use and benefit, an estate in land in Ontario, such estate being of or above the value of \$1,200 over and above what will satisfy and discharge all incumbrances affecting the same, and all rents and charges payable out of or affecting the same.

(2) Such estate may be an estate in fee simple, absolute, or for life, or for one or more lives, or a term originally of not less than twenty-one years. R.S.O. 1914, c. 87, s. 11.

Property  
qualification  
in districts.

(3) Where any person is appointed a justice of the peace for a territorial district, or for any part of a territorial district, it shall only be necessary for him to possess such property qualification, if any, as may be provided in the commission appointing him. 1916, c. 24, s. 14, *part*.

Oath of  
qualification.

**10.** Except in the case of justices who are not required to possess a property qualification, every justice of the peace before he acts as such shall take and subscribe the oath following:

"I,

"I, A. B., do swear, that I truly and *bona fide* have to and for my own proper use and benefit such an estate as qualifies me to act as a justice of the peace for the County (*or as the case may be*) of \_\_\_\_\_ according to the true intent and meaning of *The Justices of the Peace Act*, (*state the nature of the estate and describe the land*). So help me God."

Sworn before me, etc.

A. B.

R.S.O. 1914, c. 87, s. 12.

**11.** A justice of the peace shall take and subscribe the oath of allegiance and the oath following: Oath of office and allegiance.

"I, A. B., of the \_\_\_\_\_, in the County of \_\_\_\_\_ do swear that I will well and truly serve our Sovereign Lord King George (*or the reigning Sovereign for the time being*), in the office of Justice of the Peace, and I will do right to all manner of people, after the laws and usages of this Province, without fear or favour, affection or ill will. So help me God."

Sworn before me, etc.

A. B.

R.S.O. 1914, c. 87, s. 13. *Amended.*

**12.** Every person appointed a justice of the peace shall take the oaths of qualification and of office and of allegiance within three months from the date of the commission under which he is appointed, otherwise the commission shall, so far as the same relates to him, be deemed to be absolutely revoked and cancelled. R.S.O. 1914, c. 87, s. 14. Limitation of time for taking oaths.

**13.**—(1) Every oath of qualification and of office and of allegiance taken by a justice of the peace shall forthwith after the same is taken be transmitted or delivered by him to the clerk of the peace of the county or district within which the justice of the peace is to act, and shall be filed in the office of the clerk of the peace. Filing oaths

(2) The clerk of the peace shall keep posted up in his office a list of the justices of the peace who have taken the oath of qualification and the oath of office and of allegiance, and the same shall be open to inspection without payment of any fee. R.S.O. 1914, c. 87, s. 15. Records.

**14.** The clerk of the peace shall, upon demand, forthwith deliver a true and attested copy of the oaths to any person paying the sum of twenty-five cents for the same; which copy being produced as evidence on the trial of any proceeding under this Act, shall have the same force and effect as the record of the oath would have if produced. R.S.O. 1914, c. 87, s. 16. Effect of attested copy of such oath.

**15.** It shall not be necessary for any justice of the peace named in any commission who, after his appointment as such justice by a former commission, took the oath of office and No new oath required from persons who have before qualified.

the oath of allegiance to again take such oaths before acting under the new commission, nor shall it be necessary for any such justice who has under any former commission qualified himself in the terms of section 10, and deposited the oath in the office of the clerk of the peace, to take any oath of qualification before acting under such new commission, unless the justice, since he took the oath of qualification, has parted with the estate in right of which he qualified. R.S.O. 1914, c. 87, s. 17. *Amended.*

Penalty for acting without being qualified or taking oaths.

**16.**—(1) When not otherwise provided any person who acts as justice of the peace without having the prescribed property qualification, or without having taken, subscribed and filed with the clerk of the peace the oaths of qualification and of office and of allegiance, shall incur a penalty of \$50, recoverable under *The Ontario Summary Convictions Act*.

Defendant may rely on other lands.

(2) Such person may rely upon land not mentioned in the oath of qualification, as constituting the whole or any part of his qualification, at the time of the offence alleged against him.

Subsequent prosecution.

(3) Where proceedings have been instituted under this section and are proceeded with without fraud and with effect no subsequent prosecution shall be brought against the same person for any offence committed before such proceedings were begun.

Application of penalties.

(4) The penalties recovered under this Act shall belong to the Crown if the Crown is the prosecutor and if a private person is the prosecutor one-half shall belong to him and the other half shall belong to the Crown. R.S.O. 1914, c. 87, s. 18.

Use of town hall.

**17.** A justice of the peace shall have the right, unless another suitable place is provided by the municipality, to use the town hall of any municipality for the hearing of cases brought before him, but not so as to interfere with its ordinary use. R.S.O. 1914, c. 87, s. 19. *Amended.*

[As to appointment of justices for a limited period for the purpose of taking cognizance of certain offences, see "*The Forest Fires Prevention Act*," R.S.O. c. 241.]

## PART II.

### RETURNS OF CONVICTIONS BY JUSTICES.

Return of fines and penalties imposed; when and to whom to be made.

**18.**—(1) Every justice of the peace who convicts and imposes any fine, forfeiture, penalty, or damages, shall make a return thereof and of the receipt and application by him of the money received from the person convicted, in writing

under



under his hand (Form 1) to the clerk of the peace on or before the second Tuesday in March, June, September and December in every year for the three months ending on the last day of the next preceding month.

(2) Every such return shall include all convictions and other matters mentioned in the next preceding subsection, not included in a previous return, and also all cases wherein a fine or any part thereof has been paid since the last return; and in the column for observations shall be written the words, "Paid on case formerly returned."

What matters to be included in return.

(3) In the case of a conviction before two or more justices, present and joining therein, they shall make the return forthwith. R.S.O. 1914, c. 87, s. 20.

Where two justices act.

**19.**—(1) The clerk of the peace shall, within two weeks after the time fixed for making the returns, post up in the court house and also in a conspicuous place in his office a schedule of the returns made, and the same shall be kept so posted up for three months, and for every schedule so made and posted up he shall be allowed a fee of \$4, which, in the case of a county, shall be paid by the treasurer of the county, and, in the case of a district, by the Treasurer of Ontario out of the Consolidated Revenue Fund.

Posting up returns.

(2) All returns so received by the clerk shall be filed by him and shall be entered by him quarterly in a book to be kept for that purpose. R.S.O. 1914, c. 87, s. 21.

Filing and entry.

**20.** The clerk of the peace, within twenty days after the end of each general sessions of the peace, shall transmit to the Inspector of Legal Offices at Toronto a true copy of all returns made to him, and also a like return of all cases brought before or tried at the court of general sessions of the peace, and at the county or district court judge's criminal court up to the date of such return. R.S.O. 1914, c. 87, s. 22.

Transmission of returns to Inspector of Legal Offices.

**21.** Nothing herein shall exonerate a justice of the peace from duly returning to the court of general sessions of the peace any conviction or record of convictions which is by law required to be so returned. R.S.O. 1914, c. 87, s. 23.

Return of convictions to general sessions.

#### RETURNS OF CONVICTIONS BY POLICE MAGISTRATES.

**22.**—(1) If a justice of the peace or a police magistrate before whom a conviction takes place, or who receives any money, neglects or refuses to make the prescribed return, or wilfully makes a false, partial or incorrect return, he shall incur a penalty of \$60 together with full costs of suit.

Penalty on justice of the peace neglecting to make returns, etc.

Defendant  
to have  
solicitor and  
client costs.

(2) If a judgment passes for the defendant, or the plaintiff discontinues the action, the defendant shall recover his full costs of suit as between solicitor and client. R.S.O. 1914, c. 87, s. 31.

Part II not  
to apply to  
Toronto.

**23.** This Part shall not apply to the City of Toronto. R.S.O. 1914, c. 87, s. 32.

### PART III.

Fees in  
certain cases  
not other-  
wise pro-  
vided for.

R.S.C.  
c. 146.  
Rev. Stat.  
c. 90.

**24.** In cases not provided for by *The Criminal Code* and *The Ontario Summary Convictions Act* a police magistrate not receiving a salary and a justice of the peace shall be entitled to receive from the county, or, in the case of a district, from the Province, \$2 for all services connected with the case where the time occupied by the hearing does not exceed two hours, and fifty cents for each additional hour above two hours. R.S.O. 1914, c. 87, s. 34.

Mileage  
allowance.

**25.** Where the justice of the peace, for the convenience of witnesses and others, attends at a distance from his residence to hear the evidence on a criminal charge he shall be entitled to a mileage allowance of fifteen cents a mile one way for the distance necessarily travelled, to be paid by the county, or, in the case of a district, by the Province. R.S.O. 1914, c. 87, s. 35.

Penalty for  
charging  
excessive  
fees.

**26.** A justice of the peace who wilfully receives a larger fee than authorized by law shall incur a penalty of \$60, together with full costs of suit. R.S.O. 1914, c. 87, s. 36.

[*Note.—As to the powers of a justice of the peace to take affidavits and affirmations see "The Interpretation Act," R.S.O. c. 1, s. 23 (3).*]

Repeal.

**27.** The following Acts and parts of Acts are repealed:

R.S.O. 1914, Chapter 87—the whole.

1916, Chapter 24—Section 14.

1917, Chapter 27—Section 21.

Commence-  
ment of  
Act.

**28.** This Act shall come into force on the day upon which it receives the Royal Assent.

## FORM 1. -

## RETURN OF CONVICTIONS

(To be signed by the convicting justice or justices, see sec. 18). Made Form of  
by me during the quarter ending in A.D., 19 . return of  
convictions.

Name of the Prosecutor.	
Name of the Defendant.	
Nature of the Charge.	
Date of Conviction.	
Name of Convicting Justice.	
Amount of Penalty, fine or damages.	
When paid or to be paid to said Justice.	
To whom fine paid over by said Justice.	
If not paid, why not, and remarks, if any.	
Amount of Magistrate's fees.	₹
Amount of Constable's fees.	₹
Amount of Witness fees.	₹

R.S.O. 1914, c. 87. Form 1.



## CHAPTER 29.

## An Act to consolidate and amend The Magistrates Act.

*Assented to 8th April, 1926.*

**HIS MAJESTY**, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

## PART I.

## GENERAL PROVISIONS.

- Short title.**      **1.** This Act may be cited as *The Magistrates Act, 1926.*
- Appoint-  
ment.**            **2.** The Lieutenant-Governor may by commission issued under the Great Seal pursuant to an Order in Council, appoint police magistrates as hereinafter provided who shall hold office during pleasure. *New.*
- County  
judge may  
be  
appointed.**      **3.** A judge or junior judge of the county or district court may be appointed a police magistrate. 1922, c. 48, s. 4, *part.*
- Conferring  
special  
jurisdiction**      **4.—(1)** The Attorney-General may at any time direct any police magistrate to act in and for any part of Ontario. 1922, c. 48, s. 7 (1), *part.*
- Limitation  
as to time.**      (2) Such direction may be limited both as to time and as to the class of cases to be dealt with. 1922, c. 48, s. 7 (2), *part.*
- Oath.**            **5.—(1)** Every police magistrate and deputy police magistrate before acting shall take the following oath of office,—

I, A. B., of the                      of                      in the County (or District) do swear that I will well and truly serve Our Sovereign Lord King George, (or the reigning Sovereign for the time being) in the office of Police Magistrate, (or Deputy Police Magistrate, as the case may be) and I will do right to all manner of people according to law, without fear or favour, affection or ill will, So help me God.

A. B.

Sworn, etc.

and also the oath of allegiance as required by *The Public Officers Act.*

(2) The oath of office and the oath of allegiance shall forth-  
with be transmitted or delivered by the police magistrate, or  
deputy police magistrate to the clerk of the peace of the  
county or district within which the police magistrate or  
deputy police magistrate is to act and shall be filed in the  
office of the clerk of the peace. 1922, c. 48, s. 5. *Amended.*

Oath to  
be filed with  
clerk of the  
peace.

**6.** Every police magistrate shall be *ex officio* a justice of  
the peace for the whole of any county or district for which, or  
for part of which, he is appointed. 1922, c. 48, s. 8.

*Ex officio*  
justice of  
the peace.

**7.** A police magistrate sitting as such or as *ex officio* a  
justice of the peace shall have power to do alone whatever is  
authorized to be done by two or more justices of the peace.  
1922, c. 48, s. 9.

Powers.

**8.—(1)** In case of the illness or absence from his territorial  
jurisdiction of a police magistrate having sole jurisdiction  
or at his request, any other police magistrate having jurisdic-  
tion over any portion of the county or district shall have all  
the powers and may perform all the duties of the first men-  
tioned police magistrate during such illness or absence or while  
acting at such request and shall also have jurisdiction and  
power to continue and complete any proceeding begun  
before him notwithstanding that the first mentioned police  
magistrate may have recovered or returned. 1922, c. 48, s. 10.

Jurisdiction  
of other  
magistrates  
in case of  
illness,  
absence, etc.

(2) If there is no police magistrate available, any two or  
more justices of the peace of the county or district, may act  
in any matter which may be tried by two justices of the peace  
and one justice of the peace may act where one justice of the  
peace has jurisdiction. 1922, c. 48, ss. 11, 12, *part.*

When two  
or more  
justices  
may act.

**9.—(1)** Save as provided in the preceding section and in  
subsection 2 hereof, a justice of the peace shall not act in any  
case arising within the territorial jurisdiction of a police  
magistrate. 1922, c. 48, s. 13 (1), *part.*

When  
justices  
may not act.

(2) Any justice of the peace acting within his territorial  
jurisdiction may take an information or issue a search  
warrant or a summons or warrant returnable before a police  
magistrate having jurisdiction to try the case, and may hear  
and determine a prosecution under a by-law of any munici-  
pality. 1922, c. 48, s. 13 (2), *part.*

Justice  
may take  
information,  
issue  
warrant, etc.

**10.** Except in case of urgent necessity a police magistrate  
shall not be required to attend at the police office on a holiday  
or on any day set apart by the municipal council as a civic  
holiday. 1922, c. 48, s. 14.

Attendance  
on holidays  
not required.

Prohibition  
as to  
practising  
in magis-  
trates'  
courts.

**11.**—(1) A police magistrate shall not act as agent, solicitor or counsel in any cause, matter, prosecution or proceeding before a police magistrate or justice of the peace, and no partner or clerk of a police magistrate shall act as agent, solicitor or counsel in any proceeding before him. 1922, c. 48, s. 6 (1), *part*.

Not to  
engage in  
any other  
occupation  
without  
permission.

(2) Unless otherwise provided by order in council a police magistrate appointed under this Act shall not practise any profession or actively engage in any business, trade or occupation but shall devote his whole time to the performance of his duties as police magistrate. 1922, c. 48, s. 6 (2).

Collection  
of fees.

**12.**—(1) A police magistrate shall be entitled to collect the same fees and emoluments as a justice of the peace, and where a police magistrate is paid by salary, the fees and emoluments received by him as police magistrate shall be paid to the municipality if the salary is provided by such municipality, but if the salary is provided by the Crown such fees and emoluments shall be paid to the Treasurer of Ontario.

(2) A police magistrate who is paid by salary shall not direct any officer or constable in the employ of the Provincial Government to pay any fees to him in respect of a case or complaint prosecuted by such officer or constable. 1922, c. 48, s. 15, *part*.

Returns.

**13.**—(1) Every police magistrate shall make such returns to the clerk of the peace, the Inspector of Legal Offices and to such other municipal or other provincial officers as the regulations may direct. 1922, c. 48, s. 16 (1).

Application  
of Act.

(2) With the exception of section 24, Parts II and III of *The Justices of the Peace Act* shall not apply to police magistrates. 1924, c. 33, s. 3.

Fees of  
clerk of  
the peace.

(3) The clerk of the peace shall be entitled to the same fees for any services performed in respect to returns made by police magistrates as in the case of returns made by justices of the peace. 1922, c. 48, s. 16 (3).

Regula-  
tions.

**14.**—(1) The Lieutenant-Governor in Council may make regulations,—

(a) prescribing the office hours of police magistrates;

(b) fixing the period and manner in which fines, fees and emoluments payable to the Treasurer of Ontario under this or any other Act shall be paid over by police magistrates;

(c)



- (c) providing for the inspection of the office, the books and accounts of police magistrates and for the appointment of an inspector for that purpose and defining the powers and duties of such inspector;
- (d) providing for the appointment or employment of a stenographic reporter to take down evidence before a police magistrate and fixing the remuneration of such reporter and the fees and charges for his services and for defining the class of cases in which stenographic reporters may be employed and the terms and conditions of such employment, and such regulations may provide that the remuneration of the stenographic reporter shall be paid by the municipal corporation or by the parties to any proceeding before the magistrate as part of the costs in the case or partly by one method and partly by the other, and where the remuneration is made payable by the municipal corporation, the regulations may provide for the allowance of a charge for stenographic reporting as a part of the costs in any case in which a stenographic report of the proceedings has been taken;
- (e) respecting the returns to be made by police magistrates;
- (f) generally for the better carrying out of the provisions of this Act.

(2) Any such regulation may be general or particular in its application and may provide for the imposing of penalties for breach of the regulations and the recovery of such penalties under *The Ontario Summary Convictions Act* or in such other manner as the Lieutenant-Governor in Council may prescribe. 1922, c. 48, s. 17.

Regulations general or particular.  
Penalties.

**15.** The board of commissioners of police of any city having a population of not less than fifty thousand may appoint one or more official interpreters to act in all cases coming before any police magistrate of such city in which the services of an interpreter may be required, and any such interpreter or interpreters may be paid such salary or other remuneration as may be fixed by the board, and such salary or remuneration shall be paid by the board out of any moneys appropriated for that purpose by the council of such city. 1924, c. 33, s. 4.

Appointment of interpreters in cities.

## PART II.

## POLICE MAGISTRATES IN CITIES AND TOWNS.

To be appointed with salary for cities and certain towns.

**16.**—(1) There shall be a salaried police magistrate for every city and for every town having a population of five thousand or over.

In other towns.

(2) Where the council of a town having a population of less than five thousand, by resolution passed by a vote of two-thirds of all the members of the council, affirms that it is expedient that a salaried police magistrate be appointed for the town and names the amount of the salary to be paid, the Lieutenant-Governor in Council may appoint a salaried police magistrate for the town accordingly. 1922, c. 48, s. 18.

Population how determined.

**17.** In estimating the population of a city or town the last Dominion census shall govern unless there has been a subsequent enumeration by the assessors of the city or town in which case such enumeration shall govern. 1922, c. 48, s. 19.

Authority for appointment not to be questioned as to population

**18.** Where the authority of the Lieutenant-Governor in Council to appoint a police magistrate or deputy police magistrate depends upon the population of the city, town or place for which the appointment is to be made, no appointment purporting to be made under the authority of this Act shall be open to question on the ground that the population was not in fact such as to authorize the making of the appointment. 1922, c. 48, s. 20.

Rate of salary.

**19.** Notwithstanding anything in any general or special Act contained and except as otherwise provided herein every police magistrate appointed under the provisions of subsection 1 of section 16 shall be paid a salary,—

- (a) except as provided in section 29, in a city having a population of eighty thousand or over not less than \$4,500 per annum;
- (b) in a city having a population of more than forty thousand and less than eighty thousand, not less than \$3,600 per annum;
- (c) in a city having a population of more than eighteen thousand and less than forty thousand, not less than \$2,400 per annum;
- (d) in a city or town having a population of more than eight thousand and less than eighteen thousand, not less than \$1,500 per annum;

(e)

(e) in a town having a population of more than six thousand and less than eight thousand, not less than \$1,200 per annum;

(f) in a town having a population of five thousand and less than six thousand, not less than \$900 per annum;

provided, however, that nothing in this section contained shall apply to the police magistrate of the city of Kingston now in office. 1922, c. 48, s. 21.

**20.** The salary of every police magistrate shall be paid by the corporation of the city or town at least monthly and shall be apportionable to the date of the death of the magistrate or of his vacating his office. 1922, c. 48, s. 22. Payment to be monthly.

**21.** A municipal council shall not reduce the salary of a police magistrate or deputy police magistrate without the sanction of the Lieutenant-Governor in Council. 1922, c. 48, s. 23. Not to be reduced without authority.

**22.—**(1) The Lieutenant-Governor in Council may appoint an additional police magistrate or police magistrates for any city if a resolution confirming the expediency of such appointment is passed by a vote of two-thirds of all the members of the council. Where council requests appointment

(2) The salary of such police magistrate, or magistrates where the resolution provides that the appointment shall be made with salary, shall be paid at a rate determined by the council and approved by the Lieutenant-Governor in Council. 1922, c. 48, s. 24. Salaries.

**23.** Where there are more police magistrates than one, a division of their duties may be made by the Lieutenant-Governor in Council. 1922, c. 48, s. 25. Division of duties.

**24.—**(1) Where the council of a city having a population of one hundred thousand or over by resolution declares that it is desirable that a woman should be appointed to be a police magistrate or deputy police magistrate for such city, the Lieutenant-Governor in Council may appoint a woman to be a police magistrate or deputy police magistrate accordingly and where there are more police magistrates than one for any city the appointment may be in addition to any police magistrate then in office or to fill an existing vacancy among the magistrates. Appointment of female police magistrate.

(2) Nothing in this section shall be construed as a declaration that women were at the time of the enactment of this Power to appoint.



section ineligible for appointment to the office of police magistrate. 1922, c. 48, s. 26.

Deputy  
police  
magistrates.

**25.**—(1) Where in the opinion of the Lieutenant-Governor in Council the due administration of justice requires the appointment of a deputy police magistrate for a city or for a town having a population of not less than five thousand he may appoint a deputy police magistrate accordingly who shall hold office during pleasure and the municipal council may if it sees fit, provide for payment to him of a salary.

Appoint-  
ment during  
vacancy.

(2) The appointment may be made notwithstanding that the office of police magistrate is vacant. 1922, c. 48, s. 27.

Powers and  
duties.

**26.** The deputy police magistrate shall have authority to perform all the duties of and incidental to the office of police magistrate and the provisions of section 12 and of sub-section 1 of section 8 shall apply to him. 1922, c. 48, s. 28, *part.*

Judge of  
juvenile  
court to be  
*ex officio*  
police  
magistrate.

**27.** The judge of the juvenile court of a city shall be *ex officio* a police magistrate, and subject to the direction of the Attorney General may act as a police magistrate appointed for the city under this Part. 1922, c. 48, s. 34, *part.*

Superanu-  
ation.

**28.** Where the police magistrate of a city or town has attained the age of seventy years the council of the city or town may by by-law provide for the payment to such police magistrate during his life-time of an annual sum by way of superannuation allowance. 1922, c. 48, s. 30.

#### SPECIAL PROVISIONS AS TO CITY OF TORONTO

Police  
magistrates  
for the  
City of  
Toronto.

**29.** The Lieutenant-Governor in Council may appoint four police magistrates for the City of Toronto and, notwithstanding the provisions of section 19, may fix the salaries to be paid to such magistrates. 1922, c. 48, s. 31, *part.*

Senior  
magistrate  
in City of  
Toronto.

**30.** One of the police magistrates for the City of Toronto may be designated senior magistrate for the City of Toronto. 1922, c. 48, s. 32.

Additional  
police  
magistrate  
in City of  
Toronto.

**31.** An additional police magistrate or police magistrates may be appointed for the City of Toronto as provided in section 22. *New.*

Duties  
and powers  
of senior  
magistrate.

**32.** The senior magistrate for the City of Toronto shall have power,—

- (a) to designate the courts to be held by such police magistrates according to the classes of cases to be dealt with in such courts respectively;

(b)

- (b) to allocate to each of such courts the classes of cases which shall be dealt with therein;
- (c) to assign to each of such courts one or more police magistrates;
- (d) to determine from time to time all matters of difference which may arise as to the proper court in which any particular case shall be dealt with;
- (e) to investigate all complaints which may arise as to the conduct of the police magistrates or any of them or any of the officers employed in connection with such courts;
- (f) to give such directions from time to time as he may deem desirable for the better conduct of the business of such courts;
- (g) to arrange for the sittings of such courts and to fix the time and place at which such sittings may be held;
- (h) to see that the returns required by any statute or regulation from police magistrates are duly made. 1922, c. 48, s. 33.

### PART III.

**33.** The Lieutenant-Governor in Council may appoint one or more police magistrates for any municipality, or for any number of adjacent municipalities or for any provisional judicial district or districts or any part or parts thereof or for any municipality or municipalities and territory without municipal organization. 1922, c. 48, s. 35. *Amended.* Appointments with extended jurisdiction.

**34.**—(1) Every police magistrate appointed under this Part may be paid an annual salary to be fixed by the Lieutenant-Governor in Council and such salary and all other expenses of the office shall be payable out of such sums as may be appropriated by the Legislature from time to time for the payment of salaries and expenses of police magistrates. Salaries.

(2) All accounts relating to salaries and expenses under subsection 1 shall be audited as provided in section 17 of *The Administration of Justice Expenses Act*. 1922, c. 48, s. 36. Audit of accounts.

**35.** It shall not be necessary for a police magistrate appointed under this Part to be actually resident within the territory for which he is appointed. 1922, c. 48, s. 37. Need not reside in jurisdiction.

Power to  
hold court,  
etc., in city  
or town.

**36.**—(1) A police magistrate appointed under this Part may sit or hold his court in any town or city within the limits of a county or district any part of which is within his territorial jurisdiction, whether such town or city is or is not excluded from his jurisdiction. 1922, c. 48, s. 38 (1), *part.*

Use of  
court room  
or hall.

(2) A police magistrate appointed under this Part shall have the right to use any court room or town hall belonging to a county or municipality in which he may sit or hold his court, but in so using a court room or town hall he shall not interfere with the ordinary use of the court room for the other courts or with the use of the town hall for the purposes for which the same is maintained. 1922, c. 48, s. 38 (2). *Amended.*

Where court  
room or hall  
in munic-  
pality other  
than that in  
which  
offence  
committed.

(3) Where a police magistrate sits or holds his court in a court room or town hall belonging to a municipality for the trial of an offence committed outside the limits of such municipality, the municipality owning such court room or town hall shall be paid by the municipality within whose territory the offence was committed remuneration for the use of the court room or town hall and in the event of controversy as to the proper amount of such remuneration, the same shall be determined by the inspector appointed under this Act. 1922, c. 48, s. 38 (3).

Offices and  
court  
rooms.

**37.**—(1) Where a police magistrate is appointed with jurisdiction over a county, it shall be the duty of the corporation of the county to provide a suitable office, furniture, stationery and other accommodation for the police magistrate, in accordance with the regulations made under this Part.

In provi-  
sional judi-  
cial district.

(2) Where a police magistrate is appointed for a provisional judicial district the Lieutenant-Governor in Council may authorize the purchase, erection or rental of a suitable building or part of a building for the office of such police magistrate. 1922, c. 48, s. 39.

Regulations.

**38.** The Lieutenant-Governor in Council may make regulations with respect to police magistrates appointed under this Part,—

- (a) with reference to the appointment of clerical and other assistants of a police magistrate, prescribing their duties and fixing their salary or other remuneration;
- (b) prescribing the equipment, arrangement and furnishings of police magistrates offices;

(c)



- (c) generally for the better carrying out of the provisions of this Part. 1922, c. 48, s. 40.

**39.** *The Magistrates Act*, being chapter 48 of 1922, and <sup>Repeal.</sup>  
*The Magistrates Act* being chapter 33 of 1924 are repealed.

**40.** This Act shall come into force on the day upon which <sup>Commence-  
ment of Act.</sup> it receives the Royal Assent.

## CHAPTER 30.

## An Act to consolidate and amend The Public Authorities Protection Act.

*Assented to 8th April, 1926.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as *The Public Authorities Protection Act, 1926*.

Interpretation.

2. In this Act "Justice of the Peace" shall include a police magistrate, a person who is *ex officio* a justice of the peace, and a person who has by law the powers of a justice of the peace, either generally or with regard to any particular matter and any other person authorized to hear and determine any argument or to try any offence. R.S.O. 1914, c. 89, s. 2. *Amended.*

## ACTIONS AGAINST JUSTICES OF THE PEACE.

Conditions of liability.

3. No action shall lie or be instituted against a justice of the peace for any act done by him in the execution of his duty as such justice with respect to any matter within his jurisdiction as such justice, unless the act was done maliciously and without reasonable and probable cause. R.S.O. 1914, c. 89, s. 3.

Where jurisdiction.

Where no jurisdiction

4.—(1) For any act done by a justice of the peace in a matter in which by law he has not jurisdiction, or in which he has exceeded his jurisdiction, or for any act done under a conviction or order made or a warrant issued by him in such matter, any person injured thereby may maintain an action against the justice in the same case as he might have heretofore done, and it shall not be necessary to allege or prove that the act was done maliciously and without reasonable and probable cause.

Where conviction, and execution by different justices.

(2) Where a conviction or order has been made by a justice of the peace, and a warrant of distress or of commitment

has

has been issued thereon by some other justice of the peace, *bona fide* and without collusion, no action shall be brought against the justice who issued the warrant by reason of any defect in the conviction or order, or for any want of jurisdiction in the justice who made the same, but the action, if any, shall be brought against the justice who made the conviction or order. R.S.O. 1914, c. 89, s. 4 (1, 2).

(3) No such action as is mentioned in this section shall be brought for anything done under a conviction or order or under a warrant issued by a justice of the peace to procure the appearance of the party, which has been followed by a conviction or order in the same matter, until the conviction or order has been quashed. R.S.O. 1914, c. 89, s. 4 (3); 1916, c. 24, s. 16.

(4) Where such warrant has not been followed by a conviction or order, or is a warrant upon an information for an indictable offence, if a summons was issued previously to the warrant, and the summons was served upon such party, either personally or by leaving the same for him with some person at his last or most usual place of abode, and he did not appear according to the exigency of the summons, no such action shall be maintained against the justice for anything done under the warrant. R.S.O. 1914, c. 89, s. 4 (4).

(5) Notwithstanding the provisions of this section no action shall lie when an order has been made under section 8 for the protection of the justice. *New.*

5. Where a justice of the peace refuses to do any act relating to the duties of his office as such justice, the person requiring the act to be done may, upon affidavit stating the facts, and upon six days' notice to him, and also to the party to be affected by the act, apply to a judge of the Supreme Court, or to the judge of the county or district court of the county or district in which the justice resides, for an order directing the act to be done. R.S.O. 1914, c. 89, s. 5. *Amended.*

6. Where a justice of the peace has issued a warrant of distress or a warrant of commitment upon a conviction or order which either before or after the issuing of the warrant has been confirmed upon appeal, no action shall be brought against such justice by reason of any defect in the conviction or order for anything done under the warrant. R.S.O. 1914, c. 89, s. 6. *Amended.*

7.—(1) No defect in an information taken before or in a warrant issued by a justice of the peace shall prevent him from claiming the benefit and protection of this Act if the

court



court is of opinion that he acted in good faith, and that the informant or complainant intended, by the facts stated to the justice, to charge the commission of an offence which, if the same had been set forth in proper form in the information or warrant, would have been one within the jurisdiction of the justice; and in such case the informant or complainant shall be liable as if the information had charged in proper form the commission of the offence so intended to be charged. R.S.O. 1914, c. 89, s. 7 (1).

Non-liability of informant where offence not properly described.

(2) An action shall not be brought against a person who has in good faith laid an information before a justice of the peace or by reason of the information not containing a proper description of the offence or being otherwise defective. R.S.O. 1914, c. 89, s. 7 (2). *Amended.*

Conditions on quashing convictions.

8.—(1) Where an order is made quashing a summary conviction the court may provide that no action shall be brought against the justice of the peace who made the conviction or against the informant or any officer acting thereunder or under any warrant issued to enforce such conviction or order. R.S.O. 1914, c. 89, s. 8; 1917, c. 27, s. 22.

Order may be made conditional.

(2) Such an order may be made conditional upon payment of the costs of the motion to quash or upon such other condition as may be deemed proper. *New.*

When action may be stayed upon summary application.

9. If an action is brought where by this Act it is enacted that no action shall be brought it may be stayed upon a summary application. R.S.O. 1914, c. 89, s. 9. *Amended.*

Damages nominal in certain cases.

Imp. Act, 11 and 12 v. c. 44, s. 13.

10. Where the plaintiff is entitled to recover, and he proves the levying or payment of any penalty or sum of money under any conviction or order as part of the damages he seeks to recover, or if he proves that he was imprisoned under the conviction or order, and seeks to recover damages for the imprisonment, he shall not be entitled to recover the amount of the penalty or sum so levied or paid, or any sum beyond the sum of three cents as damages for the imprisonment, or any costs of suit, if it is proved that he was actually guilty of the offence of which he was so convicted, or that he was liable by law to pay the sum he was so ordered to pay, and, with respect to the imprisonment, that he has undergone no greater punishment than that assigned by law for the offence of which he was so convicted, or for non-payment of the sum he was so ordered to pay. R.S.O. 1914, c. 89, s. 10.

#### ACTION AGAINST CONSTABLE, DIVISION COURT BAILIFF OR OTHER OFFICER.

Liability of officer acting under warrant.

11.—(1) No action shall be brought against a constable, division court bailiff or other officer, or against any person

acting

acting by his order and in his aid, for anything done in obedience to a warrant issued by a justice of the peace or clerk of a division court until demand has been made or left at his usual place of abode by the person intending to bring such action or by his solicitor or agent in writing, signed by the person demanding the same, of the perusal and copy of such warrant and the same has been refused and neglected for six days after such demand.

Conditions  
of liability.  
24 Geo. II.,  
c. 44, s. 6.  
(imp.)

(2) If, after such demand and compliance therewith by showing the warrant to and permitting a copy thereof to be taken by the person demanding the same, an action is brought against such constable, bailiff or officer, or such person so acting, for any cause without making the justice or clerk who issued the warrant a defendant, on the production and proof of the warrant at the trial of the action judgment shall be given for the defendant notwithstanding any defect of jurisdiction in such justice or clerk.

Dismissal  
of action.

(3) If the action is brought jointly against such justice or clerk and such constable or bailiff or other officer or person so acting, on proof of such warrant judgment shall be given for such constable or bailiff or other officer and for such person so acting notwithstanding such defect in jurisdiction.

Action  
brought  
jointly  
against  
justice or  
clerk and  
constable or  
bailiff.

(4) If the judgment is given against the justice or clerk the plaintiff shall, in addition to any costs awarded to him, be entitled to recover such costs as he is liable to pay to the defendant for whom judgment is given. R.S.O. 1914, c. 89, s. 12.

Costs.

#### ACTIONS AGAINST PUBLIC AUTHORITIES.

**12.**—(1) No action, prosecution, or other proceeding shall lie or be instituted against any person for an act done in pursuance or execution or intended execution of any statutory or other public duty or authority, or in respect of any alleged neglect or default in the execution of any such duty or authority, unless it is commenced within six months next after the act, neglect or default complained of, or, in case of continuance of injury or damage, within six months after the ceasing thereof. R.S.O. 1914, c. 89, s. 13 (1). *Amended.*

An action  
against a  
person for  
any act done  
under public  
authority  
to be begun  
within six  
months  
Imp. Act,  
56 and 57  
Vict. c. 61,  
s. 1.

(2) A sheriff, acting under a writ of execution or other process, shall be deemed to be a person acting in the discharge of a public duty or authority within the meaning of this section. R.S.O. 1914, c. 89, s. 13 (4).

Case of  
sheriff.

**13.** No action or other proceeding shall be commenced or prosecuted against any person for or by reason of anything done in obedience to a *mandamus* or mandatory order. R.S.O. 1914, c. 89, s. 14.

Persons  
obeying  
writ of  
*mandamus*  
protected.

Protection  
of those  
acting under  
*ultra vires*  
statutes.

**14.** No action shall be brought against a judge, justice of the peace, or officer for anything done by him under the supposed authority of a statute of Ontario or of the Dominion of Canada which was beyond the legislative jurisdiction of this Legislature or of the Parliament of Canada, as the case may be, if the action would not lie against him had the statute been within the legislative jurisdiction of the Legislature or Parliament which assumed to enact the same. R.S.O. 1914, c. 89, s. 15 (1).

#### SECURITY FOR COSTS.

Applications  
for security  
for costs.

**15.—(1)** Where an action is brought against a justice of the peace or against any person for any act done in pursuance or execution or intended execution of any public duty, statutory or otherwise, or authority, or in respect of any alleged neglect or default in the execution of any such statute, duty or authority, the defendant may at any time after the service of the writ apply for security for costs if it be shown that the plaintiff is not possessed of property sufficient to answer the costs of the action in case a judgment should be given in favour of the defendant, and that the defendant has a good defence upon the merits, or that the grounds of action are trivial or frivolous. R.S.O. 1914, c. 89, s. 16. *Amended.*

#### APPLICATION OF ACT.

Application  
of Act.

**16.** This Act shall not apply to a municipal corporation. R.S.O. 1914, c. 89, s. 17.

Repeal.

**17.** The following Act and parts of Acts are repealed,—

R.S.O. 1914, chapter 89—the whole, except section 11.  
1916, chapter 24—section 16.  
1917, chapter 27—section 22.

Commence-  
ment of Act.

**18.** This Act shall come into force on the day upon which it receives the Royal Assent.



## CHAPTER 31.

An Act to consolidate and amend The Ontario  
Summary Convictions Act.

*Assented to 8th April, 1926.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Ontario Summary Con- Short title: victions Act, 1926.*

2. In this Act "Justice" shall mean a justice of the peace <sup>Inter-pretation</sup> and shall include two or more justices sitting and acting <sup>"Justice."</sup> together, a police magistrate, and every other officer or functionary having, for the purposes of any Act, the authority of a justice of the peace or police magistrate. R.S.O. 1914, c. 90, s. 2.

## APPLICATION OF ACT.

3. Subject to any special provision otherwise enacted with <sup>Application of Act.</sup> respect to such offence, act or matter, this Act shall apply to,—

- (a) every case in which any person commits, or is suspected of having committed, any offence or act over which this Legislature has legislative authority, and for which such person is liable, on summary conviction, to imprisonment, fine, penalty or other punishment;
- (b) every case in which a complaint is made to a justice in relation to any matter over which this Legislature has legislative authority and with respect to which such justice has authority by law to make an order for the payment of money or otherwise. R.S.O. 1914, c. 90, s. 3.

## POWERS AND DUTIES OF JUSTICE.

Application  
of Criminal  
Code,  
R.S.C. c.146.

4. Except where otherwise provided Part XV, other than sections 735 and 736, and sections 1028, 1029, 1054, 1055, 1121, 1124, 1125, 1131 and 1142 of *The Criminal Code* shall apply *mutatis mutandis* to every such case as if the provisions thereof were enacted in and formed part of this Act. R.S.O. 1914, c. 90, s. 4. *Amended.*

Effect of  
giving time  
for payment.

5. Where a conviction or order of a justice adjudges that a fine, penalty or costs be paid the conviction or order shall not be void nor shall the right to collect any fine or costs or to enforce any penalty under any such conviction or order be impaired because of time having been allowed for the payment of the sum, or any part thereof, or because of payment having been received of part of the sum adjudged to be paid, or because of the justice having accepted security for the payment of the same, of any part thereof. R.S.O. 1914, c. 90, s. 6.

Payment  
of prose-  
cutor's costs.

6.—(1) The justice may award and order, in and by the conviction or order, that the defendant shall pay to the prosecutor or complainant such costs as to the justice seem reasonable, the same not being inconsistent with the fees established by law to be taken on proceedings had by and before justices of the peace, but not including any allowance for the fees of counsel or solicitor. R.S.O. 1914, c. 90, s. 7 (1). *Amended.*

Payment of  
defendant's  
costs.

(2) Where the justice dismisses the information or complaint he may by the order of dismissal award and order that the prosecutor or complainant shall pay to the defendant such costs as to the justice seem reasonable, the same not being inconsistent with the fees established by law to be taken on proceedings had by and before justices of the peace, but not including any allowance for the fees of counsel or solicitor. R.S.O. 1914, c. 90, s. 7 (2). *Amended.*

Recovery  
of costs.

(3) The sums allowed for costs shall be stated in the conviction or order, and shall be recoverable in the same manner and under the same warrants as a penalty adjudged to be paid by the conviction or order, and such costs shall extend to and include costs and charges of the distress, of the commitment, and of conveying the defendant to prison, and it shall not be necessary to include them in the amount mentioned in the conviction or order, but the amount thereof in case of a warrant of commitment shall be mentioned on the warrant when it is delivered to the gaoler, and in the case of a distress the person by whom the same are payable shall be entitled on demand to a statement of the amount thereof.

(4) Where there is no penalty to be recovered, or where the information or complaint is dismissed the costs shall be specified in the order and shall be recoverable only by distress and sale of the goods and chattels of the party. R.S.O. 1914, c. 90, s. 7 (3, 4). <sup>Recovery of costs where no penalty.</sup>

7.—(1) In any case in which a person is convicted of an offence for which a minimum punishment is not provided and he has not been previously convicted of any offence, the justice may, if he thinks it expedient having regard to the age, character and antecedents of the offender and to the nature of the offence and to any extenuating circumstances, direct that he be released upon suspended sentence. <sup>Suspended Sentence.</sup>

(2) The offender so released may at any time within two years or such shorter period as the justice may fix, be called upon to appear and receive sentence if in the meantime he fails to keep the peace and be of good behaviour. <sup>Sentence after suspension.</sup>

(3) The justice may, if he sees fit, require a bond with or without sureties for such appearance and keeping of the peace and good behaviour. *New.* <sup>Security from person convicted.</sup>

8. Every justice shall forthwith after making a conviction or order or an order of dismissal transmit to the clerk of the peace for the county or district the conviction or order or order of dismissal together with the information, depositions and other papers relating to the case and any recognizances in respect of which proceedings are required to be taken in the court of general sessions of the peace. R.S.O. 1914, c. 90, s. 8. <sup>Return of convictions.</sup>

9.—(1) Where a justice of the peace is satisfied by information upon oath, Form 1, that there is reasonable ground for believing that there is in any building, receptacle or place— <sup>Search warrant when to be issued.</sup>

- (a) anything upon or in respect of which an offence against a statute of Ontario has been or is suspected to have been committed; or,
- (b) anything which there is reasonable ground to believe will afford evidence as to the commission of any such offence;

he may at any time issue a warrant Form 2, under his hand authorizing some constable or other person named therein to search such building, receptacle or place for any such thing, and to seize and carry it before the justice issuing the warrant or some other justice for the same territorial division to be by him dealt with according to law. R.S.O. 1914, c. 90, s. 9 (1); 1914, c. 2. Schedule (21).



**When to be executed.**

(2) Every search warrant shall be executed between sunrise and sunset, unless the justice shall by the warrant authorize the constable or other person to execute it at night.

**How things seized to be dealt with.**

(3) When any such thing is seized and brought before a justice he may detain it, taking reasonable care to preserve it until the conclusion of the investigation; and, if no one is convicted, the justice shall direct such thing to be restored to the person from whom it was taken unless he is authorized or required by law to dispose of it otherwise. R.S.O. 1914, c. 90, s. 9 (2, 3).

**When officers in charge of police station may take bail.**

**10.**—(1) Where a person charged with an offence against any statute of Ontario, or against any by-law passed under the authority of any such statute, is taken into custody either with or without the warrant of a justice of the peace and is brought into a police station in a city or town at any time during the day or night the police officer in charge of the station, if he thinks the case a proper one, may take bail without fee from such person, by recognizance conditioned for his appearance within two days before the police magistrate or other justice in the city or town at the time and place therein mentioned.

**Effect of recognizance so taken.**

(2) The recognizance shall be of equal obligation on the persons entering into the same, and the same proceedings may be taken for the estreating thereof as if it had been taken before a justice of the peace. R.S.O. 1914, c. 95, s. 2.

**Record of recognizance**

**11.** The police officer shall enter in a book the name, residence and occupation of the person entering into the recognizance, and of his surety or sureties, if any, with the condition of the recognizance and the sums acknowledged. R.S.O. 1914, c. 95, s. 3. *Amended.*

**When return of recognizance to be made.**

**12.** The police officer shall make a return of all recognizances taken by him to the police magistrate, or other justice present, at the time when, and place where, the person charged is required to appear. R.S.O. 1914, c. 95, s. 4.

#### APPEALS FROM CONVICTIONS.

**Appeal from conviction or order.**

**13.**—(1) Unless it is otherwise provided in the Act under which a conviction takes place or an order is made by a justice for the payment of money or dismissing an information or complaint, any person who thinks himself aggrieved by any such conviction or order or order of dismissal, the prosecutor or complainant as well as the defendant may, appeal where the conviction adjudges imprisonment only to the court of

general

general sessions of the peace, and in all other case to the division court of the division in which the cause of the information or complaint arose.

(2) Where, by any statute of Ontario, an appeal is given to the judge of the county or district court without a jury from a summary conviction had or made before a justice, and no special provision is made therefor, the appeal shall be to the division court of the division in which the cause of the information or complaint arose. R.S.O. 1914, c. 90, s. 10 (1, 2). <sup>Appeals to division court.</sup>

(3) No such order or conviction shall be removed into the Supreme Court by writ of certiorari or motion instead thereof if the defendant has appealed from such order or conviction to any court to which an appeal from such conviction or order is authorized by law or shall be allowed to remove any order or conviction made upon such appeal. *New.* <sup>Certiorari or motion therefor not to be granted where defendant has appealed</sup>

#### APPEAL TO APPELLATE DIVISION.

14.—(1) If the Attorney-General of Canada or the Attorney-General of Ontario certifies that, in his opinion, a judgment or decision of the Supreme Court or a judge thereof upon an application to quash a conviction made under an Act of Ontario creating an offence punishable by summary conviction before a justice or to discharge a prisoner who is held in custody under such conviction, whether the conviction has been quashed or the prisoner discharged or the application refused, involves a question on the construction of *The British North America Act*, and is of sufficient importance to justify an appeal, an appeal at the instance of either Attorney-General or of any party who thinks himself aggrieved shall lie therefrom to the Appellate Division. R.S.O. 1914, c. 90, s. 11 (1). *Amended.* <sup>Appeal from judgment on motion to quash. Imp. 30-31 V, c. 3.</sup>

(2) If the Attorney-General of Ontario certifies that in his opinion a judgment or decision of a court of general sessions of the peace or of a division court on an appeal under this Act, involves a question of law of sufficient importance to justify an appeal, an appeal shall lie therefrom to the Appellate Division. R.S.O. 1914, c. 90, s. 11 (3). *Amended.* <sup>Appeal from general sessions.</sup>

(3) After the decision of the Appellate Division the justice from whom the appeal was had, or any other justice exercising the same jurisdiction, shall have authority to enforce the order of the court upon the appeal. R.S.O. 1914, c. 90, s. 11 (4). *Amended.* <sup>Enforcing conviction or order.</sup>

(4) The defendant shall in no event be ordered to pay any costs on an appeal brought by the Attorney-General for Canada or by the Attorney-General of Ontario under this section. R.S.O. 1914, c. 90, s. 11 (5). <sup>Costs.</sup>

When term  
of imprison-  
ment to  
commence.

**15.** The term of imprisonment in pursuance of any sentence shall, unless otherwise directed in the sentence, commence on and from the day on which the prisoner is lodged in gaol thereunder but no time during which the convicted person is out on bail shall be reckoned as part of the term of imprisonment to which he is sentenced. *New.*

*Note.—See sections 24, 25 and 26 of The Interpretation Act as to place of imprisonment, hard labour, and offences under more than one provision. See The Judicature Act, section 63, as to certiorari.*

Repeal.

**16.** The following Acts and parts of Acts are repealed:

- R.S.O. 1914, Chapter 90—The whole.
- R.S.O. 1914, Chapter 95—The whole.
- 1914, Chapter 2—Schedule. Item 21.
- 1914, Chapter 21—Section 22.
- 1917, Chapter 27—Section 23.

Tariff of  
fees.

**17.** The fees mentioned in the tariff set out in Schedule A to this Act and not others shall be and constitute the fees to be taken on proceedings before justices of the peace under this Act. 1917, c. 27, s. 23, *part.*

Commence-  
ment of Act.

**18.** This Act shall come into force on the day upon which it receives the Royal Assent.

## SCHEDULE "A"

Fees to be taken by justices of the peace or their clerks, on proceedings under *The Summary Convictions Act*.—

1. Information or complaint and warrant or summons.....	\$1 00
2. Warrant where summons issued in first instance.....	25
3. Each necessary copy of summons or warrant.....	10
4. Each summons or warrant to or for a witness or witnesses, (only one summons to each side to be charged for in each case, which may contain any number of names. If the justice of the case requires it, additional summonses shall be issued without charge).....	10
5. Information for warrant for witness and warrant.....	1 00
6. Each necessary copy of summons or warrant for witness....	10
7. For every recognizance.....	25
8. For hearing and determining case.....	1 50
9. If case lasts over two hours.....	2 00
10. Where one justice alone cannot lawfully hear and determine the case, the same fee for hearing and determining to be allowed to the associate justice.	
11. For each warrant of distress or commitment.....	25
12. For making up record or conviction or order where the same is ordered to be returned to sessions or on certiorari..	1 00
But in all cases which admit of a summary proceeding before a single justice and wherein no higher penalty than \$20 can be imposed, there shall be charged for the record of conviction not more than.....	50
13. For travelling to hear case and returning therefrom for convenience of parties and witnesses, actual travelling expenses not exceeding for going and coming, per mile....	15



14. For copy of any other paper connected with the case, and the minutes of the same if demanded, per folio of 100 words. . . . . 05
15. For bill of costs when demanded to be made out in detail. . . 10

(Items 14 and 15 to be chargeable when there has been an adjudication.)

1917, c. 27, s. 23. *Part.*

# FORM I.

## INFORMATION TO OBTAIN A SEARCH WARRANT.

Province of Ontario,  
County of

The information of A. B., of , in the said County, taken day of , in the year , before me, C.D., Esq., a Justice of the Peace for the County (or District, etc.) of who says that (*insert general description of things to be searched for and offence in respect of which search is made*), and that he has just and reasonable cause to suspect, and suspects, that the said goods and chattels, or some part of them, are contained in the (*dwelling-house, etc.*) of E. F., of , in the said County (or District, etc.) (*here add the causes of suspicion, whatever they may be*). Wherefore (*he*) prays that a search warrant may be granted to him to search the (*dwelling-house, etc.*) of the said E. F., as aforesaid, for the said goods and chattels.

Sworn (*or affirmed*) before me  
the day and year first mentioned,  
at  
in the said County of

C. D.  
J.P. for (*Name of County or District*).

R.S.O. 1914, c. 90, Form 1.

# FORM 2.

## SEARCH WARRANT.

Province of Ontario,  
County of

To all or any of the constables and other peace officers in the said County of

Whereas it appears on the oath of A. B., of , that there is reason to suspect that (*describe the things to be searched for and offence in respect of which search is made*) are contained in , at . This is, therefore, to authorize you to enter between the hours of (*as the Justice shall direct*) into the said premises, and to search for the said things and to bring the same before me or some other Justice of the Peace.

Dated at , in the said County of  
this day of , in the year

C. D.  
J.P. for (*Name of County or District*).

R.S.O. 1914, c. 90, Form 2.

## CHAPTER 32.

## An Act to consolidate and amend The Crown Attorneys Act

*Assented to 8th April, 1926.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.      1. This Act may be cited as *The Crown Attorneys Act, 1926*.

## PART I.

## GENERAL.

Appoint-  
ment.

2. The Lieutenant-Governor in Council may appoint a Crown attorney for each of the counties and for each provisional judicial district in Ontario. 1921, c. 44, s. 9 (1).

Qualifi-  
cation.

3. No person shall be appointed a Crown attorney or shall act in that capacity who is not a barrister-at-law of at least three years' standing at the Bar of Ontario. 1918, c. 20, s. 21. *Amended.*

Security.

4. Every Crown attorney shall give security for the due performance of the duties of his office and for the due payment of all moneys received by him by virtue thereof, in such sum, and with so many sureties, and in such manner and form as the Lieutenant-Governor in Council directs. R.S.O. 1914, c. 91, s. 4.

Oath o  
office.

5. Every Crown attorney shall before he enters upon his duties take and subscribe before the judge of the county or district court of the county or district for which he is appointed the following oath:

"I swear that I will truly and faithfully, according to the best of my skill and ability, execute the duties, powers and trusts of Crown attorney for the county (or District) of without favour or affection to any party: So help me God."

R.S.O. 1914, c. 91, s. 5.

6. No Crown attorney shall, by himself or his partner in business, act or be directly or indirectly concerned as counsel or solicitor for any prisoner or person in respect to any charge against such prisoner or person of any offence against the laws of Ontario or punishable under the laws of the Dominion. Prohibition against acting for persons charged with offences.  
 R.S.O. 1914, c. 91, s. 6; 1914, c. 21 s. 23 (1). *Amended.*

7. The Crown attorney shall aid in the local administration of justice, and perform the duties by this or any other Act of Canada or of Ontario assigned to Crown attorneys. Duties generally.  
 R.S.O. 1914, c. 91, s. 7.

8. Every Crown attorney shall,—

Special duties.

- (a) receive and examine all informations, examinations, depositions, recognizances, inquisitions and papers connected with criminal charges or offences against the laws of Ontario which the justices of the peace and coroners of the county or district are required to transmit to him, and, where necessary, cause such charges to be further investigated, and additional evidence to be collected, and sue out process to compel the attendance of witnesses and the production of papers, so that prosecutions at the sittings of the Supreme Court, the court of general sessions of the peace and the county or district court judge's criminal court, may not be unnecessarily delayed or fail through want of proof; To receive and examine informations, etc.
- (b) institute and conduct on the part of the Crown prosecutions for crimes and misdemeanours at the court of general sessions of the peace, and the county or district court judge's criminal court for the county or district in the same manner as the law officers of the Crown institute and conduct similar prosecutions at the sittings of the Supreme Court, and with the like rights and privileges, and attend to all criminal business at the court of general sessions of the peace, and the county or district court judge's criminal court; To secure attendance of witnesses.
- (c) watch over the conduct of the court of general sessions of the peace of cases wherein it is questionable whether the conduct complained of is punishable by law or where the particular act or omission presents more of the features of a private injury than of a public offence; and, without unnecessarily interfering with private individuals who wish in such cases to prosecute, assume wholly the conduct of the case where justice towards the accused seems to demand his interposition; To institute and conduct prosecutions at sessions, etc.

To watch certain cases brought by private prosecutors.

(d)



To deliver papers connected with criminal business at assizes to Crown officer.

When to take charge of business.

To institute and conduct summary proceedings before justices of the peace in certain cases.

To advise justices of the peace at their request.

To supply forms for use of justices of the peace.

Duties and fees of Crown attorney on admitting persons to bail.

- (d) deliver to the Crown officer or counsel appointed by the Attorney-General, all papers connected with the criminal business at the sittings of the Supreme Court before the opening of the court;
- (e) be present at the court, and, if required, assist the Crown officer or counsel with the criminal business, and, in the absence of the law officers of the Crown and of such counsel, represent the Crown and take charge and conduct of the criminal business to be done at such sittings;
- (f) if required by the general regulations touching his office made in pursuance of the provisions herein-after contained, on a complaint in writing, or where the public interests so require, institute and conduct proceedings before justices of the peace under any Act or law conferring summary powers to convict for offences in relation to the public revenue, the public property, the public domain, the public peace, the public health, and any other matter made punishable on summary conviction;
- (g) advise a justice of the peace in respect to criminal offences brought before him for preliminary investigation or for adjudication if he requests him to do so by writing containing a statement of the particular case;
- (h) procure the necessary forms for the use of justices of the peace, and supply the same to acting justices of the peace as needed, in such manner as he deems expedient, the expense of which shall be paid out of the county funds as part of the expenses connected with the administration of justice, except where such forms are supplied by the county council through the clerk of the county or the clerk of the peace;
- (i) where a prisoner is in custody charged with an indictable offence, and an application is made for bail, enquire into the facts and circumstances upon which the charge is based, and satisfy himself as to the sufficiency of the surety or sureties offered, and examine and approve of all bail bonds entered into before a justice of the peace or police magistrate, in case bail is consented to or ordered, for which services he shall be entitled to receive from the person for whom bail is given, in each

case,

case, the sum of \$1, and where the prisoner is unable to make such payment the same may be paid in the same manner as other fees of the Crown attorney;

- (j) perform such other duties and services as the Lieutenant-Governor in Council, by regulations prescribes and directs for carrying out the provisions of any Act imposing duties upon Crown attorneys, and also touching the office of Crown attorney and the prosecution of criminal offenders; To perform duties to be assigned by regulations in council.
- (k) advise coroners and attend coroners' inquests if requested by the coroner in writing so to do. R.S.O. 1914, c. 91, s. 8. Amended. Assistance to coroner.

**9.** Where a person is committed for trial or bailed to answer a criminal charge the justice of the peace committing or bailing shall deliver or cause to be delivered without delay to the Crown attorney the informations, depositions, examinations, recognizances and papers connected with the charge; and the Crown attorney shall be the "Proper officer of the court by which the accused is to be tried," within the meaning of section 695 of *The Criminal Code*, and in every case of inquisition found before a coroner, the inquisition and every recognizance taken before him, with the written information, if any, and the depositions and statements, if any, of the accused shall be forthwith delivered to the Crown attorney of the county or district in which the inquisition has been found; and, where an information has been laid or complaint made before a justice of the peace, whether proceedings have been taken thereon or not, the justice shall deliver to the Crown attorney all papers connected therewith on being by him required so to do. R.S.O. 1914, c. 91, s. 9. Amended. Justices to deliver informations, etc., to Crown attorney.

**10.** In case of the illness or unavoidable absence of the Crown attorney, the judge of the county or district court of the county or district may appoint a barrister-at-law to act for him during his illness or absence, and notice of the appointment and of the cause thereof shall be sent to the Provincial Secretary, and the Lieutenant-Governor in Council may at any time annul the appointment. R.S.O. 1914, c. 91, s. 13. Case of unavoidable absence or illness of Crown attorney provided for.

[See also sections 1044-1047 of *The Criminal Code of Canada*. R.S.C. 1906, c. 146.]

**11.**—(1) For services in the county or district court judge's criminal court the Crown attorney shall be entitled to the same fees as for like services in the court of general sessions of the peace. R.S.O. 1914, c. 91, s. 14. Fees in county court judges' criminal court.

Fee of  
Crown  
attorney on  
appeals.

(2) For attendance on appeals from the decision of magistrates under Dominion or Provincial statutes the Crown attorney shall be entitled to a fee of \$5 and actual travelling expenses, to be paid by the county or in the case of a district, by the Province. 1914, c. 21, s. 23 (2); 1919, c. 25, s. 13.

Percentage  
on money  
coming into  
his hands.

**12.** Every Crown attorney shall be allowed a percentage of \$4 on every \$100 of public moneys rightly coming into his hands. R.S.O. 1914, c. 91, s. 15. *Amended.*

Commuta-  
tion of  
fees.

**13.—(1)** The Lieutenant-Governor in Council may commute the fees payable to a Crown attorney, including the fees receivable from his office as clerk of the peace, for a fixed annual sum.

Limit of  
amount of  
commu-  
tation.

(2) The annual sum so fixed shall not exceed the average net income of the Crown attorney from both offices during the next preceding five years except in the case of a Crown attorney for a county in which there is a city having a population of 30,000 or over, in which case the amount to be fixed shall be in the discretion of the Lieutenant-Governor in Council.

Office  
expenses.

(3) When commuting the fees of a Crown attorney, the Lieutenant-Governor in Council may provide for a fixed annual allowance to such Crown attorney to cover the expenses of his office.

How  
payable

(4) The sums fixed under the provisions of this section shall be payable out of the amounts voted by the Assembly and appropriated by the Legislature for the administration of justice in the county or district.

Collection  
and pay-  
ment over  
of fees.

(5) Where the fees of a Crown attorney have been commuted under the provisions of this section it shall be his duty to collect all fees payable to him as Crown attorney and clerk of the peace, other than those payable by the Province either directly or by way of refund to the county, and remit the same to the Inspector of Legal Offices by cheque payable to the Provincial Treasurer, quarterly on the 1st day of January, April, July and October in each year, together with a statement showing the fees collected, verified by statutory declaration. 1924, c. 34, s. 2.

Return  
of fees.

**14.** Every Crown attorney and clerk of the peace shall, on or before the 15th day of January in every year, make to the Inspector of Legal Offices a return under oath of the aggregate amount of the fees and emoluments of his office during the next preceding year, up to and including the 31st day of December. R.S.O. 1914, c. 91, s. 17.



## CLERK OF THE PEACE.

**15.—**(1) There shall be a clerk of the peace for every county and district, who shall be appointed by the Lieutenant-Governor in Council. R.S.O. 1914, c. 60, s. 11 (1)

Clerk of the peace.

(2) No person shall be appointed clerk of the peace who is not a barrister of at least three years' standing at the Bar of Ontario; and, except in the County of York, every clerk of the peace shall be *ex-officio* Crown attorney for the county or district of which he is clerk of the peace. 1918, c. 20, s. 15. *Amended.*

Clerk to be a barrister.

*Ex-officio*.  
Crown  
attorney.

(3) Except in the County of York, whenever a vacancy occurs in the office of the clerk of the peace for a county or district in which the clerk of the peace was not, previous to such vacancy occurring, also Crown attorney, the Crown attorney for the county or district shall be *ex-officio* Clerk of the peace.

On any  
vacancy,  
Crown  
attorney to  
be clerk of  
the peace.

(4) Where a person holding the office of Crown attorney and clerk of the peace desires, on account of the condition of his health or from his age, to resign the former, retaining the latter office, he may do so with the approval of the Lieutenant-Governor in Council; and in such case the person appointed in his place shall, on a vacancy occurring in the office of the clerk of the peace, be *ex-officio* clerk of the peace.

Resigning  
office of  
Crown  
attorney and  
retaining  
office of  
clerk of the  
peace.

(5) In the County of York, the offices of clerk of the peace and Crown attorney may be held by different persons. R.S.O. 1914, c. 60, s. 11. (3-5)

In County  
of York.

**16.** The Lieutenant-Governor in Council may make regulations for carrying out the provisions of any Act imposing duties upon Crown attorneys, and also touching the office of Crown attorney, and for the prosecution of offenders against the laws of Ontario or against the criminal law, and may make a tariff of fees and charges to be payable to a Crown attorney for services as such officer not otherwise provided for by this or any other Act. R.S.O. 1914, c. 91, s. 12.

Lieutenant-  
Governor in  
Council may  
make regula-  
tions as to  
duties and  
fees of  
Crown  
attorney.

## PART II.

## TORONTO AND YORK CROWN ATTORNEYS.

**17.** The provisions of this Part shall apply to the City of Toronto and the County of York. *New.*

Crown  
attorney for  
City of  
Toronto and  
County of  
York.

**18.** The Lieutenant-Governor in Council may appoint a Crown attorney for the City of Toronto and the County of York who shall be a barrister-at-law of at least seven years' standing at the Bar of Ontario. 1921, c. 44, s. 3.

Appoint-  
ment of  
Crown  
attorney for  
Toronto and  
York.

Assistants.

**19.**—(1) The Lieutenant-Governor in Council may appoint a barrister-at-law or more than one barristers-at-law to assist the Crown attorney, and on the nomination of the Crown attorney such other officers, clerks, and servants in the office of the Crown attorney as may be deemed necessary by the Lieutenant-Governor in Council.

Duty of assistants.

(2) Every assistant Crown attorney so appointed shall act under the direction and instructions of the Crown attorney, subject to any regulations which may be made under this Act with respect to the duties of the office, and every such assistant when so acting shall have the like powers and duties as the Crown attorney. 1921, c. 44, s. 4.

Not to practise, etc.

**20.** Except in the performance of his duties under this Act and the regulations, neither the Crown attorney nor any assistant so appointed shall, without the consent of the Lieutenant-Governor in Council, engage in the practice of his profession nor carry on any other business or calling, but shall devote his whole time to the performance of his official duties. 1921, c. 44, s. 5.

Powers and duties.

**21.** The Crown attorney shall,—

- (a) aid in the local administration of justice and perform the duties by any general Act of Canada or Ontario assigned to Crown attorneys;
- (b) receive and examine all informations, examinations, depositions, recognizances, inquisitions, and papers connected with criminal charges or offences against the laws of Canada or Ontario which the justices of the peace and coroners of the county are required to transmit to him, and where necessary, cause such charges to be further investigated, and additional evidence to be collected, and sue out process to compel the attendance of witnesses and the production of papers, so that prosecutions at the sittings of the Supreme Court, the court of general sessions of the peace and the county court judge's criminal court may not be unnecessarily delayed or fail through want of proof;
- (c) institute and conduct on the part of the Crown prosecutions for crimes and misdemeanours at the sittings of the Supreme Court where no other Crown counsel has been appointed by the Attorney General, and at the court of general sessions of the peace, and the county court judge's criminal court for the county in the same manner as the law officers

of the Crown have been used to institute and conduct similar prosecutions at the sittings of the Supreme Court, and with the like rights and privileges, and attend to all criminal business at the court of general sessions of the peace, and the county court judge's criminal court;

- (d) watch over the conduct of the police and juvenile courts and of the court of general sessions of the peace in cases wherein it is questionable whether the conduct complained of is punishable by law or the particular act or omission presents more of the features of a private injury than of a public offence; and, without unnecessarily interfering with private individuals who wish in such cases to prosecute assume wholly the conduct of the case where justice towards the accused seems to demand his interposition;
- (e) deliver to any Crown officer or counsel appointed by the Attorney-General, all papers connected with the criminal business at the sittings of the Supreme Court before the opening of the court;
- (f) be present at any court, to which any Crown officer or counsel has been appointed by the Attorney-General, and if required, assist the Crown officer or counsel with the criminal business, and, in the absence of the law officers of the Crown and of such counsel, represent the Crown and take charge and conduct of the criminal business to be done at such sittings;
- (g) in cases where public interest so requires, institute and conduct on the part of the Crown prosecutions before the police magistrates of the City of Toronto and the County of York and institute and conduct all other proceedings before any such police magistrates or any justice or justices of the peace acting for any such police magistrate or magistrates under *The Ontario Temperance Act* or any other statute of this province or of the Dominion respecting the sale, transportation, or keeping for consumption of intoxicating liquors or under *The Deserted Wives' Maintenance Act* or under any Act or law conferring summary powers to convict for offences in relation to the public revenue, the public property, the public domain, the public peace, the public health and any other matter made punishable on summary conviction, whether such prosecutions are insti-



tuted by municipal or provincial officers, and the Crown attorney is hereby empowered to institute such proceedings upon a complaint in writting or as public prosecutor in cases where the public interest requires the exercise of such office or the regulations so direct;

- (h) conduct on the part of the Crown all appeals to the general sessions to a county judge or the Division court for offences punishable on summary conviction;
- (i) advise any justice of the peace in respect to criminal offences brought before him for preliminary investigation or for adjudication if he requests him to do so by writing containing a statement of the particular case;
- (j) procure the necessary forms for the use of justices of the peace, and supply the same to acting justices of the peace as needed, in such manner as he deems expedient, the expense of which shall be paid out of the county funds as part of the expenses connected with the administration of justice, except where such forms are supplied by the county council through the clerk of the county or the clerk of the peace;
- (k) where a prisoner is in custody charged with an indictable offence, and an application is made for bail, enquire into the facts and circumstances upon which the charge is based, attend upon the hearing of such application and satisfy himself as to the sufficiency of the surety or sureties offered, and examine and approve of all bail bonds in case bail is ordered;
- (l) perform such other duties and services as the Lieutenant-Governor in Council by regulations prescribes and directs for carrying out the provisions of any Act imposing duties upon Crown attorneys and also touching the office of Crown attorney and the prosecution of criminal offenders;

1921, o. 44  
s. 6.

- (m) advise coroners and attend coroners' inquests.  
1921, c. 44, s. 6.

Salaries.

**22.** The Crown attorney shall be paid an annual salary of not less than \$7,500 and each of his assistants shall be paid such salary as may from time to time be fixed by the Lieutenant-Governor in Council, and the salaries of the Crown

attorney

attorney and his assistants and all expenses connected with his office shall be payable out of such moneys as may be appropriated by the Legislature for that purpose. 1921, c. 44, s. 7.

**23.** Neither the Crown attorney nor any assistant of the Crown attorney shall receive for himself or for his office any fees or emoluments whatsoever for anything done or performed by him in pursuance of this Act or of any other Act of Canada or of this Province, and any costs which may be recovered by the Crown attorney or any of his assistants shall belong to and shall be accounted for to the Crown. 1921, c. 44, s. 8. Not to take fees.

**24.** The corporation of the City of Toronto shall provide suitable office accommodation, furniture and stationery, with light and heat, for the Crown attorney, his assistants and staff, to be approved by the Attorney-General, and the expenses so incurred shall be borne and apportioned and paid as part of the expenses of the administration of justice in the County of York. 1921, c. 44, s. 10. City to provide office accommodation.

**25.** Sections 4, 5, 6, 9, 10, 15 and 16 only of Part I shall apply to a Crown attorney appointed under this Part. *New.* Ss. 4, 5, 6, 9, 10, 11 and 16 to apply to Crown attorney appointed under this Part.

**26.** The following Acts and parts of Acts are repealed,— Repeal.

R.S.O. 1914, chapter 91—the whole.

1914, chapter 21—section 23.

1918, chapter 20—section 21.

1919, chapter 25—section 13.

1921, chapter 43—the whole; chapter 44—the whole.

1924, chapter 34—the whole.

**27.** This Act shall come into force on the day upon which it receives the Royal Assent. Commencement of Act.

NOTE.—The following statutes relate to Crown attorneys.

*The Ontario Election Act.* R.S.O. 1914, chapter 8, sections 12, 165.

*The Ontario Controverted Elections Act.* R.S.O. 1914, chapter 10, sections 76 (16), 87.

*The Sheriffs Act.* R.S.O. 1914, chapter 16, section 33 (2).

*The Public Officers Fees Act.* R.S.O. 1914, chapter 17, section 3.

*The County Courts Act.* R.S.O. 1914, chapter 59, section 10.

*The General Sessions Act.* R.S.O. 1914, chapter 60, section 11, as amended by 1918, chapter 20, section 15.

*The Coroners Act.* R.S.O. 1914, chapter 92.

*The Administration of Justice Expenses Act.* R.S.O. 1914, chapter 96, schedule A.

*The Crown Witnesses Act.* R.S.O. 1914, chapter 97, sections 5, 13 (1).

*The Registry Act.* R.S.O. 1914, chapter 124, section 14.

*The Children's Protection Act.* R.S.O. 1914, chapter 231, section 9 (3).

*The Fire Marshals Act.* 1914, chapter 41, sections 15, 15b.

*The Ontario Temperance Act, 1916,* chapter 50, section 65.

*The Ontario Public Service Act, 1918,* chapter 5, section 8.

*The Vital Statistics Act, 1919,* chapter 23, section 50.



## CHAPTER 33.

An Act to consolidate and amend The  
Coroners Act.*Assented to 8th April, 1926.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Coroners Act, 1926.*

Short title.

2. In this Act "Coroner" shall include associate coroner.  
R.S.O. 1914, c. 92, s. 2.

Interpre-  
tation  
"Coroner."

## PART I.

## APPOINTMENT OF CORONERS.

## GENERALLY.

3.—(1) The Lieutenant-Governor in Council may appoint one or more coroners for the whole or any part of every county, city, town, provisional judicial district and provisional county.  
R.S.O. 1914, c. 92, s. 3 (1).

Appoint-  
ment of  
coroners  
generally.

(2) Subsection 1 shall not apply to the Cities of Toronto or Hamilton.  
R.S.O. 1914, c. 92, s. 3 (2); 1918, c. 24, s. 1.

Exception.

(3) Notwithstanding anything contained in the commission of a coroner, the Attorney General may in writing, signed by him, direct a coroner appointed for any part of Ontario (including a chief coroner or coroner for the City of Toronto or the City of Hamilton), to act in any other part of Ontario, and any coroner to whom such direction is given shall have the same jurisdiction and powers within the territory in which he is so directed to act as a coroner appointed under subsection 1 for the same territory.  
1918, c. 24, s. 2.

Conferring  
extra juris-  
diction on  
coroners.

(4) At the request of the Attorney General or Crown attorney for the district, every police magistrate in a provisional judicial district shall have power to conduct an

Police  
magistrate  
acting as  
coroner.

inquest

inquest within his territorial jurisdiction upon the body of any person whose death has apparently been caused by violence or by unfair means, or in consequence of culpable or negligent conduct of others, or under such circumstances as require investigation, and shall for such purpose have all the power given by law to coroners. 1920, c. 39, s. 2.

SPECIAL PROVISIONS AS TO THE CITIES OF TORONTO  
AND HAMILTON.

Chief coroners for Toronto and Hamilton.

4.—(1) The Lieutenant-Governor in Council may appoint a coroner to be called the Chief Coroner for the City of Toronto and a coroner to be called the Chief Coroner for the City of Hamilton and such number of associate coroners in each city as may be deemed proper.

Associate coroners.

(2) An associate coroner, subject to such regulations as the Lieutenant-Governor in Council may prescribe, shall perform all the duties and exercise all the powers of a coroner.

Powers of coroners and associates appointed for York and Wentworth.

(3) Except the Chief Coroner, every coroner and associate coroner appointed for the County of York, including the City of Toronto, and for the County of Wentworth, including the City of Hamilton, shall have, exercise and perform within the City of Toronto and within the City of Hamilton respectively on such powers and duties as are assigned by the regulations to an associate coroner. R.S.O. 1914, c. 92, s. 4 (1-3).

Salary of Chief Coroner.

(4) Each of the said Chief Coroners shall be paid in lieu of all fees by the corporation of the city half-yearly such salary as may be fixed by the Lieutenant-Governor in Council and the corporation of the City of Toronto and the corporation of the City of Hamilton shall be respectively reimbursed out of the Consolidated Revenue Fund to the extent of one-half such respective salaries. 1923, c. 24, s. 2.

Toronto.  
Hamilton.

NOTICE OF APPOINTMENT.

Appointment to be filed.

Imp. 50-51  
V, o. 71,  
s. 12 (3).

5. A copy of the Order in Council appointing a coroner shall be sent to the clerk of the peace of the county or district in which the coroner is to act, and shall be filed by him in his office. R.S.O. 1914, c. 92, s. 5.

PART II.

INQUEST ON DEATH.

DISQUALIFICATION OF CORONER.

When coroner disqualified.

6. A coroner shall not conduct an inquest upon the body of any person whose death has been caused at or on a railway, mine or other work, whereof he is the owner, or part owner,

or which is owned or operated by a company in which he is a shareholder, or in respect of which he is employed as medical attendant or in any other capacity by the owner thereof, or under any agreement or understanding, direct or indirect, with the employees at or on such work. R.S.O. 1914, c. 92, s. 6.

#### DUTY OF CORONER ON INFORMATION OF DEATH.

7.—(1) Every practitioner, undertaker or embalmer and every person occupying a house in which a deceased person was residing, who has reason to believe that the deceased died as a result of violence, or misadventure, or by unfair means or from any cause other than disease, or as a result of negligence or misconduct or malpractice on the part of others, or under such circumstances as require investigation, shall immediately notify the coroner having jurisdiction in the place where the body of the deceased person is, of the facts and circumstances relating to the death. Duty as to giving information to coroner.

(2) The notice required by subsection 1 shall be given in every case where such practitioner, undertaker or embalmer or occupant is aware that the deceased had been suffering from disease or sickness and had not been treated or attended by a duly qualified medical practitioner. *New.* Where no medical attendance.

(3) Where a coroner is informed that there is within his jurisdiction the body of a deceased person, and that there is reason to believe that the deceased died as the result of violence or misadventure or by unfair means or from any cause other than disease or as the result of negligence or misconduct or malpractice on the part of others or under such circumstances as require investigation, he shall issue his warrant to take possession of the body, and shall view the body and make such further enquiry as may be required to satisfy himself whether or not an inquest is necessary. R.S.O. 1914, c. 92, s. 7 (1). *Amended.* Warrant for possession of body.

(4) The coroner may with the sanction of the Crown attorney employ an expert to assist him in the inquiry. *New.* Employing expert.

(5) After the issue of such warrant no other coroner shall issue a warrant or interfere in the case, except under the instructions of the Attorney General or the Crown attorney. R.S.O. 1914, c. 92, s. 7 (2). Jurisdiction.

(Note.—No burial permit shall be given and embalming shall not take place without coroner's permission. See *Vital Statistics Act*, 1919, c. 23, s. 35.)

8. If, after making such enquiry, the coroner deems it necessary that an inquest should be held, he shall issue his Warrant for inquest.

warrant



warrant for the holding of an inquest, and shall forthwith transmit to the Crown attorney a statutory declaration, setting forth briefly the result of such enquiry, and the grounds upon which he deems it necessary that an inquest should be held. R.S.O. 1914, c. 92, s. 8.

Death due to events occurring beyond jurisdiction.

**9.** When the death is believed to be the result of violence, misadventure or other matters occurring at a place beyond the jurisdiction of the coroner he may with the consent of the Crown attorney issue the warrant for the inquest returnable before the coroner having jurisdiction at such place and the inquest shall be conducted by such coroner as though the death had taken place in his jurisdiction and he had issued the warrant; but the coroner issuing the warrant may take evidence to prove the fact of death, the identity of the body and the *post mortem* examination of the body and such evidence shall be transmitted to and received by the coroner holding the inquest as part of the proceedings before him. *New.*

Warrant for burial where coroner deems inquest unnecessary.

**10.**—(1) If, after viewing the body and making such enquiry the coroner deems an inquest unnecessary he shall issue his warrant to bury the body, and shall forthwith transmit to the Crown attorney a statutory declaration, setting forth briefly the result of such enquiry and the grounds on which the warrant has been issued, and shall also forthwith transmit to the division registrar a notice of the death in the form prescribed by *The Vital Statistics Act*. R.S.O. 1914, c. 92, s. 9 (1); 1924, c. 35, s. 2.

Power of Crown to direct inquest.

(2) Notwithstanding such declaration, the Attorney General or the Crown attorney may direct the coroner making the same, or some other coroner having jurisdiction, to hold an inquest upon the body, and the coroner to whom such direction is given shall forthwith issue his warrant for an inquest and hold the same accordingly. R.S.O. 1914, c. 92, s. 9 (2).

Fees of coroner when inquest not held.

**11.** If the coroner declares an inquest to be unnecessary, and an inquest is not held by him, he shall be entitled for his services to a fee of \$5 and mileage at the rate of twenty cents per mile for every mile necessarily travelled by him, and such fee and mileage shall be paid in the same manner and upon the same conditions as the fees of a coroner in a case in which an inquest is held. R.S.O. 1914, c. 92, s. 10.

#### WHEN INQUEST COMPULSORY.

Accidents on railways and street railways operated on or over highways.

**12.** Where the death of any person appears to have been caused in the construction or operation of any railway, street railway or electric railway the Crown attorney, subject to the

provisions

provisions of section 6, shall direct a coroner having jurisdiction in the locality to hold an inquest upon the body of the person so dying, and the coroner shall issue his warrant and hold an inquest accordingly. R.S.O. 1914, c. 92, s. 11.

(*Note.—As to deaths in mines, see section 163 of The Mining Act.*)

**13.**—(1) Where a coroner has ordered an inquest upon the body of a person who has met death by violence in the wreck of a building, bridge, structure, embankment or railway train, the coroner may take charge of all wreckage and place a constable or constables in charge thereof so as to prevent persons from disturbing such wreckage until the jury at the inquest has viewed the same, or the coroner where there is no jury has made such examination as he deems necessary. Power of coroner to take charge of wreckage.

(2) The coroner shall have power to swear in such special constables as may be necessary for such purposes. Special constables.

(3) The jury or coroner as the case may be shall view such wreckage at the earliest moment possible. R.S.O. 1914, c. 92, s. 12. View by jury or coroner.

**14.**—(1) Where an inmate of a house of refuge or house of industry dies, the superintendent, or other officer in charge, shall immediately give notice of such death to the Crown attorney. Death in house of refuge or house of industry.

(2) On receipt of such notice the Crown attorney shall enquire into the facts, and if, as a result of such enquiry, he is of opinion that such death took place under circumstances requiring an investigation, he shall direct a coroner having jurisdiction to hold an inquest upon the body of the deceased person, and the coroner shall issue his warrant, and hold an inquest accordingly. R.S.O. 1914, c. 92, s. 13. Order of Crown attorney for inquest.

**15.** Where a prisoner in a gaol, prison, house of correction, reformatory or lock-up dies, the warden, gaoler, keeper or superintendent thereof shall immediately give notice of such death to the coroner, and the coroner shall issue his warrant, and hold an inquest upon the body. R.S.O. 1914, c. 92, s. 14. *Amended.* Death of prisoner.

#### POWERS AND DUTIES OF CROWN ATTORNEY OR COUNSEL FOR ATTORNEY GENERAL.

**16.**—(1) Every coroner, before holding an inquest, shall notify the Crown attorney of the time and place of holding the same, and the Crown attorney may, and if directed by the Attorney General shall, attend the inquest and may examine or cross-examine the witnesses thereat, and the coroner shall summon such witnesses as the Crown attorney directs. Notice to Crown attorney.

Special  
counsel for  
Attorney  
General.

(2) The Attorney General may be represented by counsel at any inquest, and such counsel shall have the same powers as the Crown attorney has under subsection 1. R.S.O. 1914, c. 92, s. 15.

#### WITNESS FEES AND MILEAGE.

Witnesses  
at inquest.

**17.** Every person who attends an inquest on summons, or on the request of the Crown attorney, to give evidence, or who gives evidence, shall be entitled to \$1 for every day of such attendance, and mileage, at the rate of fifteen cents per mile for each mile necessarily travelled from his last place of residence to the place where the inquest is held, one way; and the amount payable to witnesses shall be certified by the coroner, who shall make his order for the payment thereof. 1922, c. 49, s. 2.

#### MEDICAL WITNESSES AND POST MORTEM.

Ordering *post*  
*mortem*.

**18.**—(1) The coroner may, at any time before the termination of the inquest, by his warrant, direct a *post mortem* examination to be made by a medical practitioner, with or without an analysis of the contents of the stomach and intestines.

When "con-  
sent of  
Crown  
attorney to  
*post mortem*  
required.

(2) A *post mortem* examination shall not be made without the consent in writing of the Crown attorney unless an inquest is actually held.

Report of  
*post mortem*.

(3) Every medical practitioner making a *post mortem* examination shall make a report thereon in writing upon a form approved by the Lieutenant-Governor in Council which shall be supplied by the coroner.

Fees not to  
be paid  
unless report  
made.

(4) No fees shall be paid to a medical practitioner for a *post mortem* examination unless such report is made and contains the particulars required by the form or satisfactorily accounts for their absence. R.S.O. 1914, c. 92, s. 16.

Expert  
witnesses.

**19.** The coroner may, with the sanction of the Crown attorney, summon one or more, but not exceeding three, persons for the purpose of giving expert evidence, and any person so summoned shall be paid for his attendance in addition to his actual travelling expenses such fees as the coroner may certify to be reasonable not exceeding \$15 a day, and such fees and expenses shall be paid on the order of the coroner in the same manner as the other expenses of witnesses. 1914, c. 22, s. 2.

Calling  
medical  
attendant of  
deceased.

**20.**—(1) The coroner may issue his warrant for the attendance before him or at the inquest of the legally qualified medical practitioner, if any, who attended the deceased at his

death,



death, or during his last illness, or of any other legally qualified medical practitioner, in or near the place where the death occurred, but he shall not without the consent of the Crown attorney order the attendance of more than one medical practitioner.

Imp. 50-51  
V., c. 71, s.  
21 (1).

(2) A legally qualified medical practitioner shall be entitled for each attendance in obedience to any such order to \$5 and mileage at the rate of twenty cents per mile for every mile necessarily travelled, and for a *post mortem* examination without an analysis of the contents of the stomach or intestines he shall be entitled to a fee of \$15, and if with such analysis to an additional fee of \$25.

Fees of  
medical  
witness.

When *post  
mortem* is  
held.

(3) The number of miles so travelled shall be proved by the statutory declaration of the medical practitioner. R.S.O. 1914, c. 92, s. 17.

Proving  
mileage.

### JURY.

**21.**—(1) The number of jurymen to be summoned to serve on an inquest shall be not less than seven nor more than twelve. R.S.O. 1914, c. 92, s. 18 (1).

Number of  
jurors to be  
summoned.

(2) An inquisition may be found by a majority of the jurors sworn. R.S.O. 1914, c. 92, s. 18 (2). *Amended.*

And to find  
inquisition.

**22.** Where an inquest is held in a provisional judicial district the coroner may, with the consent of the Crown attorney, hold the inquest without a jury. R.S.O. 1914, c. 92, s. 19.

Inquest  
without  
jury in  
district.

**23.** A person shall not be qualified to serve as a juror unless he is named in the voters' list of the municipality and marked therein as qualified to serve as a juror. R.S.O. 1914, c. 92, s. 20.

Quali-  
fication of  
jurors.

**24.** An officer, employee or inmate of a house of refuge, house of industry, hospital, asylum, or charitable institution, gaol, prison, house of correction, reformatory or lock-up, shall not be qualified to serve as a juror at an inquest upon the body of any person whose death occurred therein. R.S.O. 1914, c. 92, s. 21.

Dis-  
qualification.

**25.**—(1) Every juror serving at an inquest shall be entitled to \$1 for every day upon which such inquest is held and is continued for not more than four hours, and where the time occupied by an inquest on any day exceeds four hours \$1 in addition for each such day, and mileage at the rate of ten cents per mile for each mile necessarily travelled from his place of residence to the place where the inquest is held.

Fees  
of jurors.

Order of  
coroner for  
payment.

(2) Subject to the provisions of section 28 the amount to be paid to jurors shall be certified by the coroner, who shall make his order for payment thereof. R.S.O. 1914, c. 92, s. 22.

View of  
body may be  
dispensed  
with.

**26.** It shall not be necessary for a jury to view the body upon which an inquest is being held when the coroner, with the consent in writing of the Crown attorney, directs that the viewing of the body shall be dispensed with. 1923, c. 24. s. 3.

#### PAYMENT OF EXPENSES.

Expenses  
of inquest.

**27.** The coroner shall give to every person entitled to fees, charges, mileage or other expenses in connection with an inquest an order on the treasurer of the county, or of the city or separated town in which an inquest is held, or in the case of an inquest in a provisional judicial district (save where held in a city) upon the treasurer of the district, for the payment thereof, and upon presentation of the order the treasurer shall pay the amount named therein. R.S.O. 1914, c. 92, s. 23. *Amended.*

#### EXPENSES OF INQUEST WHEN CAUSE OF DEATH TAKES PLACE OUTSIDE CITY OR TOWN.

Payment of  
expenses of  
certain  
inquests  
in city or  
separated  
town.

**28.** Where an inquest is held upon the body of a person who has died in a county, city or separated town, and the jury find that the cause of death did not arise within such county, city or town, the coroner shall make an order for the payment of the fees, charges and expenses in connection with such inquest on the treasurer of the county, city or town in which the inquest is held, who shall thereupon pay the same; and the amount so paid shall, on demand, be repaid by the treasurer of the county, city or separated town in which the matter causing the death is found to have arisen or taken place. R.S.O. 1914, c. 92, s. 24 (1). *Amended.*

#### ANNUAL RETURNS.

Return to  
Attorney  
General

**29.—**(1) Every coroner shall on or before the 15th day of January in each year make a return to the Attorney General for the year ending on the 31st day of December next preceding, containing,—

- (a) every case in which after investigation by him an inquest was deemed unnecessary; and
- (b) every case in which an inquest was held by him, with the findings of the jury thereon.

Particulars  
in return.

(2) The return shall as far as possible show the name, place of residence and occupation of the deceased, the place of death, and the cause of death as found by the coroner on such investigation, or by the jury at the inquest.

(3) The return shall be in the form prescribed by the <sup>Form of return.</sup> Lieutenant-Governor in Council which shall be furnished to all coroners. R.S.O. 1914, c. 92, s. 25.

#### FEES OF CORONERS.

**30.**—(1) The fees and expenses to be allowed and paid to a coroner holding an inquest upon a death shall be those set forth in Schedule A, and shall be payable, in the first instance, by the city or county, and the city or county shall be recouped for the same out of the Consolidated Revenue Fund. <sup>Coroner's fees.</sup>

(2) On the recommendation of the Attorney General an additional allowance may be made to a coroner holding an inquest, where in the opinion of the Attorney General such fees are an insufficient remuneration, having regard to the difficulties of travelling and other special circumstances. <sup>Additional allowance to coroners in provisional judicial districts.</sup> R.S.O. 1914, c. 92, s. 26.

### PART III.

#### PROVINCIAL CORONERS.

**31.**—(1) The Lieutenant-Governor in Council may appoint provincial coroners, each of whom shall be by virtue of his appointment a coroner for every county, provisional county and provisional judicial district for the purpose of,— <sup>Appointment of provincial coroners for investigation of certain offences against property.</sup>

(a) holding fire inquests;

(b) holding investigations in cases of maiming or suspected poisoning of horses, cattle and other domestic animals; and

(c) holding an investigation in any case in which there is in his opinion reason to believe that property has been destroyed or damaged by the wilful or malicious use of explosives.

(2) Except where otherwise expressly provided a provincial coroner when holding an inquest or investigation shall have all the powers of a coroner. <sup>Powers.</sup>

(3) Where a fire has occurred whereby any building or any moveable property has been wholly or in part consumed or damaged, and it appears to a provincial coroner that there is reason to believe that the fire was the result of culpable or negligent conduct or design, or occurred under such circumstances as require investigation, he may hold an inquest as to the cause or origin of the fire, and may summon a jury for that purpose, as provided by section 20, or may dispense with a jury as he may deem expedient. R.S.O. 1914, c. 92, s. 33 (1-3). <sup>Fire inquests by provincial coroner.</sup>



Material  
upon which  
coroner  
to act.

(4) Where a provincial coroner within whose jurisdiction a fire has occurred, whereby any building, or any moveable property, has been wholly or in part consumed or damaged, receives,—

- (a) a requisition in writing signed by the agent of an insurance company setting forth the facts as far as known, and stating that there is reason to believe that the fire was the result of culpable or negligent conduct or design, or occurred under such circumstances as, in the interests of justice and for the due protection of property, require investigation; and requiring the coroner to hold an inquiry into the cause and origin of the fire; together with a statutory declaration that the statements made in the requisition are true to the knowledge of the person making the declaration; or
- (b) a resolution passed by the council of the city, town, village or township in which the fire took place, that there are strong special and public reasons why an investigation should be held into the cause and origin of the fire and stating such reasons, and
- (c) an undertaking, on the part of the insurance company or council, to pay the expenses of the inquiry,

he may, with the consent of the Attorney General or the Crown attorney, issue his warrant for summoning not less than seven nor more than twelve of the householders resident in the vicinity of the fire to hear the evidence that may be adduced concerning the same, and to render a verdict under oath according to the facts, or he may hold the inquest without a jury. R.S.O. 1914, c. 92, s. 27. *Amended.*

Holding  
inquest  
without  
requisition.

(5) A provincial coroner with the consent of the Attorney General may hold an inquest or investigation without receiving any requisition and the expense of and incidental to such investigation shall be borne and paid in the same manner as in the case of an inquest upon the body of a deceased person. *New.*

#### FEES OF CORONER.

Fees of  
of coroner.

**32.** Where an inquest is held by a provincial coroner in respect of a fire the provincial coroner shall be entitled to the sum of \$10, and should the enquiry extend beyond one day, then to \$10 *per diem* for each of two days thereafter and no more. R.S.O. 1914, c. 92, s. 28. *Amended.*

## PAYMENT OF EXPENSES.

**33.** The insurance company or municipal council requiring the inquest shall alone be responsible for the expenses of and attending the same, and the fees, mileage and other charges shall be certified by the provincial coroner, who shall give his order in writing upon the company or the treasurer of the municipality, as the case may be, for payment thereof to the persons entitled thereto, and the same shall be payable accordingly. R.S.O. 1914, c. 92, s. 29. *Amended.*

Responsibility for expenses.

**34.** The expenses consequent upon an adjournment of an inquest shall not be chargeable against or payable by the insurance company or municipal council requiring the investigation unless the provincial coroner has certified under his hand why and for what purpose in his opinion an adjournment took place or became necessary. R.S.O. 1914, c. 92, s. 30. *Amended.*

When costs of adjournment shall be allowed.

## WHO TO BE PARTIES TO INVESTIGATION.

**35.**—(1) A director or officer of any fire insurance company interested, or the assured, or any person claiming under a policy of insurance, or any person prejudicially affected by any of the evidence adduced may attend personally or by counsel any investigation held under this Part as party thereto, and may, with the provincial coroner's consent, examine, cross-examine or re-examine witnesses, as the case may be.

Who to be parties.

(2) The provincial coroner shall summon such witnesses as he may deem necessary and as may be required by any party to the investigation. R.S.O. 1914, c. 92, s. 31. *Amended.*

Summoning witnesses.

## DISQUALIFICATIONS.

**36.** A provincial coroner who is a director or officer of the insurance company, or who is interested in any way, shall not hold an investigation under this Part, nor shall any such director or officer or any other interested person act for the coroner as clerk, reporter or otherwise in taking down or recording the depositions or evidence. R.S.O. 1914, c. 92, s. 32. *Amended.*

Disqualification of coroner for interest.

## PART IV.

## GENERAL PROVISIONS.

## APPLICATION.

**37.** This Part shall apply to every inquest and investigation held by a coroner or by a provincial coroner under the authority of this Act or of any other Act or law in force in Ontario. R.S.O. 1914, c. 92, s. 34.

Application of Part IV.

Powers  
of coroners.

**38.**—(1) In addition to any other powers which he may possess a coroner shall have the same power to issue summonses to witnesses, to enforce their attendance and to punish for non-attendance or refusing to give evidence as is possessed by the Supreme Court.

Fine for non-attendance.

(2) A fine imposed for non-attendance or refusal to give evidence shall not, in the case of a medical practitioner, exceed \$40, and in the case of any other witness shall not exceed \$10. R.S.O. 1914, c. 92, s. 35.

Taking  
evidence in  
shorthand.

**39.**—(1) The evidence upon an inquest or any part of it, with the sanction of the Crown attorney, may be taken in shorthand by a stenographer who may be appointed by the coroner, and who before acting shall make oath that he will truly and faithfully report the evidence; and where evidence is so taken it shall not be necessary that it be read over to or signed by the witness, but it shall be sufficient if the transcript is signed by the coroner and is accompanied by an affidavit of the stenographer that it is a true report of such evidence. R.S.O. 1914, c. 92, s. 36 (1).

Payment  
of fees of  
steno-  
grapher.

(2) The fees payable to stenographers for services rendered shall be upon the scale appointed for stenographers under *The County Judges Act* and shall be certified by the coroner and paid in the same manner as witness fees. *New.*

When  
approval of  
Crown  
attorney un-  
necessary.

(3) The sanction of the Crown attorney to the employment of a stenographer shall not be necessary in the case of an inquest held by a provincial coroner, or in the case of a fire inquest where one of the parties thereto in writing requests the coroner to employ a stenographer and agrees to pay the extra charges occasioned thereby. R.S.O. 1914, c. 92, s. 36 (3).

Interpreter.

**40.**—(1) A coroner may and if required by the Crown attorney shall employ a person to act as interpreter at an inquest, and such person may be summoned to attend the inquest.

Fees, how  
payable.

(2) An interpreter shall be paid for his attendance and services such fees as may be fixed by the provincial coroner, or by the coroner with the approval of the Crown attorney. R.S.O. 1914, c. 92, s. 37.

#### PENALTY ON JUROR FOR NON-ATTENDANCE.

Juror not  
attending,  
fine.

**41.** Where a person duly summoned to serve as a juror does not attend the coroner may impose upon him a fine not exceeding \$4. R.S.O. 1914, c. 92, s. 38.



**42.**—(1) Where a coroner conducts an inquest in violation of the provisions of section 6 he shall incur a penalty of not less than \$100 nor more than \$500, to be sued for and recovered by anyone in any court of competent jurisdiction.

Coroner holding inquest when disqualified by interest.

Penalty.

(2) It shall be sufficient for the plaintiff in any such action to allege that the defendant is indebted to him in the sum claimed and the particular inquest for which the action is brought and that the defendant has acted in violation of this Act.

Form of claim for penalty.

(3) The action shall be commenced within one year next after the inquest was held and not afterwards and shall be tried by a judge without a jury. 1918, c. 24, s. 3.

Limitation

#### RECOVERY OF FINES.

**43.** Where a fine is imposed by a coroner under this Act he shall thereupon make out and sign a certificate stating the name, residence and occupation of the delinquent, the amount of the fine imposed and the cause of the fine, and shall transmit such certificate to the clerk of the peace of the county or district in which the delinquent resides on or before the first day of the general sessions of the peace then next ensuing, and the fine so certified shall be estreated, levied and applied in like manner and upon and subject to the like powers, provisions and penalties as if it had been a fine imposed at the general sessions. R.S.O. 1914, c. 92, s. 39. *Amended.*

Estreating fines.

#### RETURN OF INQUISITION.

**44.** Every coroner shall forthwith, after an inquisition found by or before him, return the verdict or finding of the jury or of the coroner and every recognizance taken before him, with the evidence and exhibits, to the Crown attorney. R.S.O. 1914, c. 92, s. 40. *Amended.*

Return of inquisition.

#### COURT ROOM FOR INQUEST.

**45.**—(1) The corporation of every city and town shall provide a suitable place for the holding of inquests, and until it is provided for that purpose, inquests may be held in the police court room of the municipality, but at such times as shall not interfere with the use of such court room for the holding of the police court.

Accommodation for inquest.

(2) If a suitable place is not provided by the corporation the coroner may procure a suitable place for holding the inquest and the expense incurred shall be borne by the corporation. R.S.O. 1914, c. 92, s. 41.

Coroner may procure room in default of council.

## FORMS.

## Forms.

**46.** Forms for the carrying out of the provisions of this Act may be prescribed by the Lieutenant-Governor in Council.  
*New.*

## Repeal.

**47.** The following Acts and parts of Acts are repealed,—

R.S.O. 1914, chapter 92—the whole.

1914, chapter 22—the whole.

1914, chapter 41—section 17.

1918, chapter 24—the whole.

1920, chapter 39—the whole.

1922, chapter 49—the whole.

1923, chapter 24—the whole.

1924, chapter 35—the whole.

Commence-  
ment of  
Act.

**48.** This Act shall come into force on the day upon which it receives the Royal Assent.

*(For special provisions as to coroners when acting under The Sheriff's Act, see R.S.O., c. 16.)*

*(As to fatal accidents in mines, see The Mining Act of Ontario, R.S.O., c. 32.)*

*(As to expenses see Administration of Justice Expenses Act.)*

*(As to coroners duty in cases of murder or manslaughter see Criminal Code, sec. 667, and as to his duty when an offender is executed see Criminal Code, sec. 1070.)*

## SCHEDULE "A."

(a) Impanelling a jury.....	\$2 00
(b) Examining each witness (including summons).....	50
(c) Taking each recognizance.....	50
(d) Necessary travel per mile.....	20
When by railway, per mile.....	10
(e) Taking inquisition and making return.....	10 00
(f) Every warrant.....	1 00
(g) Order for the payment of jurors.....	1 00

R.S.O., 1914, c. 92, Sched. A.

## CHAPTER 34.

An Act to consolidate and amend The  
Constables Act.*Assented to 8th April, 1926.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Constables Act, 1926.* Short title.

2. In this Act,— Interpre-  
tation.

(a) "County" shall include district; "County."

(b) "County Court" shall include district court. R.S.O. "County  
Court."  
1914, c. 94, s. 2.

## PART I.

## CONSTABLES AND HIGH CONSTABLES.

*Appointment by General Sessions.*

3. The court of general sessions of the peace, at any sittings or adjourned sittings but not at a special sittings, may appoint a sufficient number of fit and proper persons to be constables for the county, and may, in like manner, dismiss any constable so appointed. Appoint-  
ment of  
constables.  
R.S.O. 1914, c. 94, s. 3. Dismissal.

4. Every constable so appointed, and having taken the oath, shall continue in office at least one year, and thereafter from year to year without re-appointment, unless he claims exemption from serving, in which case he shall be released at any time after the end of the first year. Continu-  
ance in  
office.  
R.S.O. 1914, c. 94, s. 4.

*Appointment by County Judge.*

5.—(1) In the intervals between the sittings of the courts of general sessions of the peace, the judge of the county court may appoint one or more constables for the county. Appoint-  
ment of  
constables  
by county  
court judges.  
R.S.O. 1914, c. 94, s. 5 (1). *Amended.*

(2) The judge shall forthwith notify the clerk of the peace of the appointment. Clerk of the  
peace to be  
notified.



Clerk to report to the general sessions.

(3) The clerk of the peace shall report every such appointment to the court of general sessions of the peace at the sittings holden next after he receives such notice, and, unless at such sittings the appointment is revoked, the same shall continue as if it had been made by such court. R.S.O. 1914, c. 94, s. 5 (2, 3).

*Appointment by Police Magistrates.*

Certain police magistrates may appoint temporary constables.

6.—(1) A salaried county or district police magistrate may appoint a constable for the county or district of which he is a police magistrate to hold office for not more than thirty days.

Notice of appointment.

(2) The police magistrate making any such appointment shall forthwith notify the Provincial Secretary thereof.

Revocation.

(3) The appointment may be revoked by the police magistrate, or by the Provincial Secretary before the expiration of the thirty days. R.S.O. 1914, c. 94, s. 6 (1-3).

Constables to be sworn.

7. Every constable shall before entering on the duties of his office take, subscribe and deposit with the clerk of the peace the following oath,—

The oath.

I, \_\_\_\_\_, having been appointed Constable for \_\_\_\_\_, do swear that I will truly, faithfully and impartially perform the duties appertaining to the said office, according to the best of my skill and ability: So help me God."

Sworn, etc.

A. B.

R.S.O. 1914, c. 94, s. 7.

Constable to be county constable.

8. Every constable appointed by the authority of this Act shall be a county constable. R.S.O. 1914, c. 94, s. 13.

*High Constable.*

Appointment remuneration and equipment of high constable.

9.—(1) The municipal council of every county shall by by-law appoint a fit and proper person to be high constable for the county, and may fix his remuneration by salary or otherwise, and may allow him such sums for expenses, and may supply him with such arms and accoutrements, clothing and other necessities as may be deemed proper.

When council neglects to appoint.

(2) If the council does not within three months after a vacancy occurs fill the same, the appointment may be made by the judge of the county court, the warden, the sheriff and the Crown attorney, or any three of them, and the person so appointed shall hold office until his appointment is confirmed, or a new appointment made by the council. R.S.O. 1914, c. 94, s. 8.

Tenure of office.

10. A high constable shall hold office during the pleasure of the council. R.S.O. 1914, c. 94, s. 10.

**11.**—(1) Every person appointed to be a high constable shall before entering on the duties of his office, take and subscribe the following oath,—

*Oath of high constable.*

I, \_\_\_\_\_, do swear that I will well and truly serve Our Sovereign Lord the King in the office of High Constable for the county (or united counties) of \_\_\_\_\_ without favour or affection, malice or ill-will; and that to the best of my power, I will cause the peace to be kept and preserved, and prevent all offences against the persons and properties of His Majesty's subjects; and that while I continue to hold the said office, I will, to the best of my skill and knowledge, discharge all the duties thereof faithfully according to law: So help me God.

Sworn, etc

*C. D.*

*Deposit with clerk of peace.*

(2) The oath, together with a copy of the by-law by which the high constable was appointed, shall be by him deposited in the office of the clerk of the peace, who shall immediately notify the Inspector of Legal Offices of the appointment. R.S.O. 1914, c. 94, s. 9.

**12.** A high constable shall have the supervision of all the constables in his county, and shall be charged with the special duties of preserving the peace, preventing crime, and apprehending offenders; and shall have generally all the powers and privileges, and be liable to all the duties and responsibilities which belong to constables. R.S.O. 1914, c. 94, s. 11.

*To have supervision of other constables.*

**13.** A high constable for services rendered by him shall be entitled to the fees allowed by law, unless the council otherwise provides for payment therefor. R.S.O. 1914, c. 94, s. 12.

*To be entitled to fees unless otherwise provided.*

### *Returns by Constables.*

**14.**—(1) Every high constable and every constable, whether appointed under the authority of this Act or any other Act, shall make such returns respecting his duties and acts as the Inspector of Legal Offices requires.

*High and county constables to make returns.*

(2) This section shall not apply to a city or to a town having a board of commissioners of police. R.S.O. 1914, c. 94, s. 14.

*Exception as to certain cities and towns.*

### *Inquiries by Inspectors.*

**15.**—(1) The Inspector of Legal Offices shall have authority to inspect the offices of the high constables and constables appointed under this Act, and may hold inquiries into their conduct in connection with their official duties. R.S.O. 1914, c. 94, s. 15 (1). *Amended.*

*Supervision by Inspector of Legal Offices.*

(2) Where the Inspector institutes an inquiry he may require the officer or any other person to give evidence on oath; and for that purpose shall have the same power to summon such officer and other person to attend as witnesses,

*Inspector may examine on oath and compel attendance of witnesses.*

to enforce their attendance, and to compel them to produce books, documents and things and to give evidence, as superior court has in civil cases. R.S.O. 1914, c. 94, s. 15 (2). *Amended.*

*Suspension and Dismissal.*

Suspension  
of constables  
by county  
court judge  
or inspector.

**16.**—(1) The judge of the county court or the Inspector of Legal Offices may suspend from office a high constable or any county constable for any period not extending beyond one week after the time appointed for the next sittings of the court of general sessions of the peace.

Report  
to general  
sessions.

(2) The suspension shall be by notice in writing and, if the judge or the Inspector considers the suspended officer deserving of dismissal, he shall, immediately after suspending him, report the case fully to the clerk of the peace for submission to the court of general sessions of the peace at its next sittings.

Power  
of court.

(3) The court may dismiss the officer or direct him to be restored to his office, after the period of his suspension has expired, or after such further period as may be deemed proper. R.S.O. 1914, c. 94, s. 16.

Application  
of section.

(4) This section shall not apply where there is a county board of commissioners of police. *New.*

*Persons Exempt.*

Members of  
militia corps  
exempt from  
service.

**17.** The officers, non-commissioned officers and men of every militia corps shall be exempt from serving as constables except as special constables. R.S.O. 1914, c. 94, s. 20. *Amended.*

*Appointment of Special Constables.*

Appoint-  
ment of  
special  
constables  
in certain  
cases of ap-  
prehension  
of riot, etc.

**18.** If it is made to appear to any two or more justices of the peace upon the oath of any credible witness, that any tumult, riot, or felony has taken place or is continuing or may be reasonably apprehended within the limits for which such justices have authority to act, and the justices are of the opinion that the ordinary officers appointed for preserving the peace are not sufficient for the preservation of the peace and for the protection of the inhabitants and the security of property, such justices may, by writing under their hands, appoint so many as they think fit of the householders or other persons, residing within such limits, or in the neighbourhood thereof, to act as special constables for such time and in such manner as to such justices may seem necessary. R.S.O. 1914, c. 94, s. 21. *Amended.*

Who  
may be  
appointed.



**19.** The justices of the peace who appoint special constables by virtue of this Act, or any one of them, or any other justice of the peace acting within the same limits, may administer to any person so appointed the following oath,—

“I, A. B., do swear that I will well and truly serve our Sovereign Oath. Lord the King in the office of special constable for the of \_\_\_\_\_, without favour or affection, malice or ill-will; and that to the best of my power, I will cause the peace to be kept and preserved, and prevent all offences against the persons and properties of His Majesty’s subjects; and that while I continue to hold the said office I will to the best of my skill and knowledge discharge all the duties thereof faithfully according to law: So help me God.”

R.S.O. 1914, c. 94, s. 22.

**20.** Where a special constable has been appointed, notice of the appointment, and of the circumstances which rendered it expedient, shall be forthwith transmitted by the justices making the appointment to the Provincial Secretary. R.S.O. 1914, c. 94, s. 23. *Amended.*

Notice of appointment to be sent to Provincial Secretary.

**21.** The justices who appoint any special constable, under this Act, or any two of them, or the justices acting within the limits for which the special constable has been appointed, or the majority of them, may make such orders and regulations as they may deem necessary or expedient for rendering the special constables more efficient for the preservation of the public peace, and may remove any such special constable from his office for any misconduct or neglect of duty therein. R.S.O. 1914, c. 94, s. 24.

Justices may make regulations touching special constables.

**22.** Every special constable appointed under this Act, shall have and may exercise the like powers, authorities, advantages and immunities, and be liable to the like duties and responsibilities as any other constable throughout the territorial jurisdiction of the justices who appointed him. R.S.O. 1914, c. 94, s. 25. *Amended.*

Powers of special constables, and local extent of such powers.

**23.**—(1) Where two or more justices of the peace for any other territorial division deem it expedient that a special constable should be permitted to act in that division, they may make an order permitting him to do so.

Constable may act in other division.

(2) Notice of such order shall be forthwith transmitted by the justices making the same to the Provincial Secretary. R.S.O. 1914, c. 94, s. 26. *Amended.*

Notice to Provincial Secretary.

**24.** Every such special constable, during the time he so acts in such other territorial division, shall have and may exercise all the like powers, authorities, advantages and

Their powers in other adjoining division.

immunities,

immunities, and be liable to the like duties and responsibilities as if he were acting within the territorial division or place for which he was originally appointed. R.S.O. 1914, c. 94, s. 27. *Amended.*

Special constables may be paid a per diem allowance.

**25.**—(1) The county judge may order such reasonable allowances for his trouble, loss of time and expenses, not exceeding \$1 a day, to be paid to a special constable. R.S.O. 1914, c. 94, s. 28 (1). *Amended.*

Allowance to be paid by the treasurer of the municipality.

(2) Such order shall be made upon the treasurer of the territorial or municipal division for which the special constable has been appointed, and the treasurer shall pay the same, and shall be allowed the same in his accounts. R.S.O. 1914, c. 94, s. 28 (2).

Justices or county judge may suspend or terminate services of special constables.

**26.** The justices who have appointed a special constable, or the county judge may suspend or terminate the service of the special constable so appointed, and notice of such suspension or termination shall be forthwith transmitted by the justices to the Provincial Secretary. R.S.O. 1914, c. 94, s. 29. *Amended.*

Power of county judge as to appointing special constables.

**27.** The county judge may exercise the powers herein conferred upon two justices of the peace as to special constables. *New.*

### *Penalties.*

Penalty for refusing to take oath or act as constable.

**28.** If a person appointed to be a special constable,—

- (a) refuses to take the oath hereinbefore mentioned when thereunto required by the justices of the peace who appointed him or by any two of them or by any other two justices of the peace acting within the limits for which he was appointed; or
- (b) neglects or refuses to appear for the purpose of taking the oath at the time and place for which he has been summoned unless he proves that he was prevented from so doing by sickness or some unavoidable cause; or
- (c) being called upon to service, neglects or refuses to serve or to obey such lawful orders or directions as may be given to him for the performance of the duties of his office,

he shall incur a penalty not exceeding \$20. R.S.O. 1914, c. 94, s. 31.

**29.** Every special constable, within one week after the expiration of his term of office, or after he has ceased to hold or exercise the same pursuant to this Act, shall deliver to his successor, if any, or to such persons and at such time and place as may be directed by a justice of the peace acting within the limits for which the special constable was appointed, every staff, weapon and other article which has been provided for such special constable under this Act; and if a special constable neglects or refuses so to do, he shall incur a penalty not exceeding \$8. R.S.O. 1914, c. 94, s. 30.

Special constables to deliver up their staves, etc., when discharged.

**30.** The penalties imposed by or under the authority of this Act shall be paid to the treasurer of the territorial or municipal division within which the offence was committed. R.S.O. 1914, c. 94, s. 32. *Amended.*

Recovery of penalties.

#### REGULATIONS.

**31.**—(1) The Lieutenant-Governor in Council may make regulations,—

Regulations as to high constables and constables.

- (a) prescribing, subject to any general statute, the duties of high constables and county constables;
- (b) respecting the location and regulation of the office of a high constable and the accommodation to be furnished therein;
- (c) prescribing the records, returns, books and accounts to be kept and made by or in the office of the high constable;
- (d) respecting the holding of investigations into charges against high constables or constables;
- (e) prescribing the method of accounting for the fees of high constables or constables and the records to be kept by them of all fees and costs collected or taken;
- (f) generally for the better carrying out of the provisions of this Act.

(2) Any regulation made under the authority of subsection 1 may be either general or particular in its application. 1922, c. 50, s. 3.

Regulations may be general or particular.

#### PART II.

##### THE ONTARIO PROVINCIAL POLICE FORCE.

**32.**—(1) There shall be a Commissioner of Police for Ontario, who shall be appointed by the Lieutenant-Governor in Council. 1921, c. 45, s. 3 (1).

Appointment of commissioner of police.



Powers  
and duties  
of commis-  
sioner.

(2) The Commissioner of Police shall have the general control and administration of the Ontario Provincial Police Force and of all officers specially appointed for the enforcement of any statute of Ontario, and he and all the officers, members, clerks and employees of the Force shall be responsible to the Attorney-General for Ontario and shall perform such duties and exercise such powers as may be prescribed by the regulations. 1921, c. 45, s. 4.

Investi-  
gations by  
Commis-  
sioner.

(3) The Commissioner of Police may hold an inquiry into the conduct of any member of the Force or of any officer or employee under his control and upon such inquiry shall have and may exercise the like powers and authority as are conferred upon the Inspector of Legal Offices. 1921, c. 45, s. 5.

Commis-  
sioner to be  
*ex-officio*  
police  
magistrate.

**33.**—(1) Unless otherwise provided by order in council, the Commissioner of Police for Ontario shall be *ex-officio* a police magistrate for the Province of Ontario and shall have and may exercise and perform the powers and duties of a police magistrate, and may take informations and issue warrants or summonses in any city, town, county, provisional county or provisional judicial district, or other locality in Ontario, and may make the same returnable in the city, town, county, provisional county, provisional judicial district, or other locality in which the offence charged is alleged to have been committed. R.S.O. 1914, c. 94, s. 18 (1). *Amended.*

Exercise of  
jurisdiction.

(2) The jurisdiction conferred by subsection 1 may be exercised by the Commissioner notwithstanding that there is in the locality in which he acts a police magistrate, who, under *The Magistrates Act*, or any other statute, has jurisdiction exclusive or otherwise. R.S.O. 1914, c. 94, s. 18 (2).

Ontario  
Provincial  
Police Force.

**34.**—(1) There shall be a force of police constables to be known as the Ontario Provincial Police Force. R.S.O. 1914, c. 94, s. 17 (2). *Amended.*

Members  
of, to be  
deemed  
provincial  
constables.

(2) The Force shall consist of such officers, clerks and members as may be prescribed by the regulations and every officer and member of the Force shall have authority to act as a constable throughout Ontario and shall be deemed to be a provincial constable. 1922, c. 50, s. 4.

Appoint-  
ment of  
officers and  
clerical  
staff.

(3) In addition to the officers hereinbefore mentioned, the Lieutenant-Governor in Council may appoint such other officers and such officers, clerks and servants of the Ontario Provincial Police Force as may be deemed advisable. 1921, c. 45, s. 3 (2). *Amended.*

(4) The Lieutenant-Governor where he deems proper may authorize any person not a member of the Force to exercise the powers of a provincial police constable. R.S.O. 1914, c. 94, s. 17 (7). Granting powers of provincial police constable to other persons.

**35.** The Lieutenant-Governor in Council may make such regulations from time to time with respect to the office of the Commissioner of Police, and with respect to the Ontario Provincial Police Force and officers appointed for the enforcement of any statute of Ontario as he may deem expedient, and providing for such clerical and other assistance, and for accommodation and office equipment for any such officer as he may deem expedient. 1921, c. 45, s. 6. Regulations.

### PART III.

#### THE LAW ENFORCEMENT FUND.

**36.**—(1) Any money appropriated by the Legislature for the purpose of enforcing or preventing the contravention of the laws of the Province of Ontario or the Dominion of Canada, or of any regulation made thereunder shall be known as the "Law Enforcement Fund" and payments from the said Fund from time to time shall be made under the direction of the Attorney General to such officers and persons and for such purposes as he may think proper, to be expended in such law enforcement, including the salaries and expenses of the officers, members and clerks of the Provincial Police Force. Law Enforcement Fund.

(2) The certificate or order of the Attorney General that any sum of money is required to be paid out of the said Fund shall be sufficient authority for the issue of a cheque by the Treasurer of Ontario for the amount named in such certificate or order, and the officer or other person to whom such cheque is issued shall account to the Attorney General for the proper disbursement of the amount received by such officer or other person whose approval of same shall be final. 1922, c. 50, s. 6. Payments out of fund.

(3) Where any member of the Ontario Provincial Police Force is engaged in a matter of extradition or other special investigation, or where he performs any act or discharges any duty with the authority and under the direction of the Attorney General, he shall be allowed such travelling, incidental and other expenses as the Attorney General may approve, and the same shall be paid out of the said Fund. 1915, c. 20, s. 12 (1). *Amended.* Payment of expenses of provincial officers acting under instructions of Attorney General.

## PART IV.

## MISCELLANEOUS PROVISIONS.

When  
county to  
pay expenses  
of Ontario  
police.

**37.**—(1) When the Crown attorney of any county, by writing addressed to the Commissioner of Police for Ontario, requests the services of a member of the Force the expenses of any member of the Force furnished in compliance with such request shall be certified by the Commissioner and the amount so certified shall be paid by the treasurer of the county to the Treasurer of Ontario. R.S.O. 1914, c. 94, s. 19; 1922, c. 50, s. 8. *Amended.*

Advances to  
provincial  
police in  
districts.

(2) In a provisional judicial district the treasurer of the district may, on the written request of the Crown attorney, make an advance to any member of the Ontario Provincial Police Force for the purpose of paying reasonable and necessary expenses incurred in any criminal matter. 1915, c. 20, s. 12 (2).

Repeal.

**38.** The following Acts and parts of Acts are repealed,—

R.S.O. 1914, Chapter 94—The whole except subsections 1 and 4 of section 17.

*OP only used relating to*  
1915, Chapter 20—Section 12.

1921, Chapter 45—The whole except section 2.

1922, Chapter 50—The whole except section 5.

Commence-  
ment of  
Act.

**39.** This Act shall come into force on the day upon which it receives the Royal Assent.



## CHAPTER 35.

## An Act to consolidate and amend The Administration of Justice Expenses Act.

*Assented to 8th April, 1926.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**1.** This Act may be cited as *The Administration of Justice Expenses Act, 1926.* Short title.

## PART I.

## FEES OF OFFICERS.

**2.** Where not otherwise provided by law the judges authorized to make rules under *The Judicature Act* may make rules fixing and determining the fees to be allowed to counsel, solicitors and other officers and persons for or in respect of any criminal prosecutions, matters, and proceedings in the Supreme Court or court of general sessions of the peace, or under any commission or special commission, or relating to the King's revenue, and shall therein distinguish the fees to be paid by private individuals. R.S.O. 1914, c. 96, s. 2. Who may make Rules as to fees.

**3.** Subject to such rules the table of fees in Schedule "A" shall be the fees to be taken by sheriffs, coroners, clerks of the peace, Crown attorneys, clerks of courts, constables and criers respectively for the services therein mentioned, in respect of any business transacted by them in any such prosecution, matter or proceeding, and in the proceedings in the county or district court judge's criminal court and before coroners, police magistrates and justices of the peace. R.S.O. 1914, c. 96, s. 3. Fees in criminal matters—to sheriffs, Crown attorneys, coroners, clerks of the peace, etc.

**4.** The tariff of fees established by this Act for the services of sheriffs in connection with offenders sentenced or liable to be removed to the Ontario Reformatory shall apply also to offenders sentenced or liable to be removed to other reformatories. R.S.O. 1914, c. 96, s. 17 (1). Fees of sheriffs on removals to reformatories.

Arrange-  
ment with  
clerk of the  
peace as to  
his fees.

**5.** A county council may agree with the clerk of the peace for the payment to him of a gross annual sum in lieu of all fees chargeable by him to the county, and which are not repayable to the county by Ontario; but either of the parties to the agreement may determine the same on the 31st day of December in any year, by giving to the other one month's notice, in writing, of the intention so to do. R.S.O. 1914, c. 96, s. 4.

Levying fees.

**6.** All percentages, fees or allowances, on levying fines and recognizances, may be levied over and above the amount of the fines and recognizances. R.S.O. 1914, c. 96, s. 6.

Fees for  
services not  
mentioned  
herein.

**7.**—(1) Nothing herein shall deprive any of the officers mentioned in section 3 of fees allowed by any Act of the Parliament of Canada, or of this Legislature, for other services not herein provided for. R.S.O. 1914, c. 96, s. 7.

Crier's  
salary.

(2) A court crier may be paid such salary in addition to or in lieu of any fees payable to him under the provisions of this Act as the Lieutenant-Governor in Council may direct. 1914, c. 21, s. 25.

Penalty  
for taking  
higher fees.

**8.** If any such officer wilfully demands or receives any other or greater fee, percentage, or allowance than the fee, percentage, or allowance to which he is entitled under this Act, for any of the services performed by him, unless allowed by an Act of the Parliament of Canada, or of this Legislature, he shall, for every such offence, incur a penalty of \$60. R.S.O. 1914, c. 96, s. 8. *Amended.*

Fees of gaol  
surgeons.

**9.** A gaol surgeon for the examination of each prisoner eligible for removal, or sentenced to the penitentiary or a reformatory, including certificate, shall be entitled to receive a fee of \$1. R.S.O. 1914, c. 96, s. 9. *Amended.*

Certain  
items to  
apply to  
certain  
counties.

**10.** Items numbered 12, 14, 35, 36 and 40 as to sheriffs' fees in Schedule "A" shall not apply in any year to a sheriff whose net income for the next preceding year exceeded \$2,500, and items numbered 29, 30, 37 and 38 shall not apply to the sheriffs of the county of York and city of Toronto. 1918, c. 25, s. 2.

Allowance  
to constables  
and others  
for special  
services.

**11.**—(1) Where, in the opinion of the Crown attorney, special services, not covered by the ordinary tariff, are necessary for the detection of crime or the capture of a person who is believed to have committed a crime of a serious character, he may authorize and direct any constable or other person to perform such service, and shall certify upon the

account to be rendered by the constable or other person what he deems a reasonable allowance to be paid to the person employed, and the amount so certified shall be paid to such person by the county.

(2) The Crown attorney may direct the treasurer of the county to advance to the constable or other person such sum as he may name for the purpose of paying the reasonable and necessary expenses incurred or to be incurred by such constable or other person in the performance of such special services, and the treasurer of the county shall pay such sum, upon the written order of the Crown attorney, and shall deduct the amount thereof from the subsequently certified account of the constable or other person employed.

Advances to constables, etc., for expenses in performing special services.

(3) This section shall not apply to services in a city or separated town for which there is a staff of salaried police officers, and no allowance shall in any other case be made under subsection 1 to any salaried constable or other officer, unless he is entitled to receive for his own use, in addition to his salary, the fees earned by him.

Application of this section.

(4) This section shall apply *mutatis mutandis* to districts without county organizations, and the treasurer of the district shall pay or advance the amount certified or directed by the Crown attorney in the same manner as the treasurer of the county is required to do by subsections 1 and 2. 1919, c. 25, s. 14.

In districts.

**12.** In case of emergency the reeve of the municipality, in which crime of a serious character is supposed to have been committed may, jointly with the Crown attorney, direct the payment in advance by the county treasurer to any high or county constable of a sum not exceeding \$10 in respect of any special services deemed by them to be necessary for the detection of the crime or the capture of a person who is supposed to have committed it; and they shall certify on the account to be rendered by the constable what they may deem to be a reasonable allowance for the services, and the treasurer shall, on their written order pay the sum so directed to be advanced as in other cases in the administration of justice. R.S.O. 1914, c. 96, s. 12.

Advance to constable in case of emergency.

**13.** Where a sittings of the Supreme Court, county or district court, or court of general sessions of the peace is continued after eight o'clock in the evening an additional allowance, not exceeding one day's pay, may, upon the certificate of the presiding judge, be made to any officer in attendance upon such court who is paid for services by a *per diem* allowance. R.S.O. 1914, c. 96, s. 13.

Allowance in case of prolonged sittings.



[As to return of fees by clerks of the peace, see "The Crown Attorneys Act," R.S.O. c. 91.]

Payment  
for special  
services.

**14.** Where services are rendered by any person in connection with any prosecution, and such services are rendered by the direction or with the approval of the Attorney-General, the person by whom they are rendered shall be entitled to be paid such sum as the Attorney-General may direct, and the same shall be charged upon and be paid out of the Consolidated Revenue Fund. 1916, c. 24, s. 17 (1). *Amended.*

Remunera-  
tion of  
witnesses  
coming to  
Ontario to  
give  
evidence.

**15.** Where it is, in the opinion of the Attorney-General, necessary in order to procure the attendance, as a witness for the Crown at a criminal trial, of a person resident out of Ontario that such person should be compensated for his loss of time and expenses in attending the trial, the Attorney-General may direct that such sum as he may deem reasonable be paid to such person and the same shall be charged upon and payable out of the Consolidated Revenue Fund. R.S.O. 1914, c. 96, s. 15.

Employ-  
ment and  
payment of  
interpreter.

**16.** The Crown attorney may employ an interpreter in any criminal cause or investigation or at a coroner's inquest, and the interpreter shall be paid such amount as the Crown attorney may certify to be reasonable, and the same shall be allowed to the interpreter in the account in respect of the administration of justice and shall be payable by the county. 1916, c. 24, s. 17 (2).

## PART II.

Fees in civil  
matters  
payable by  
parties.

**17.—(1)** All fees payable under Part I to the officers therein mentioned for services in proceedings in the nature of a civil remedy for persons at whose instance and for whose private benefit the same are performed shall be paid by such persons. R.S.O. 1914, c. 96, s. 16 (1), *part.*

Fees payable  
in first  
instance by  
county.

**(2)** Except as herein or by law otherwise provided all fees payable under Part I to the officers therein mentioned, for services connected with the administration of justice, other than those mentioned in subsection 1, shall be paid in the first instance by the county, unless the county gaol is owned and maintained by a city, in which case the fees in respect of prisoners convicted for offences committed within the city limits shall be paid in the first instance by the city, and so far as they relate to prisoners convicted for offences committed in the county without the limits of the city, shall be paid in the first instance by the county, and the county or city, as the case may be, shall be entitled to be re-imbursed out of the Consolidated Revenue Fund all of the said expenses

mentioned

mentioned in schedule "C" which relate to prisoners who have been convicted of indictable offences or committed for trial, or who have been tried but not convicted under Parts XVIII or XIX of *The Criminal Code*. R.S.O. 1914, c. 96, s. 16 (1), *part*; 17 (2), 43 (1); 1914, c. 21, s. 26 (3). *Amended*.

(3) The Lieutenant-Governor in Council may prescribe regulations for the examination, audit and approval by the auditor of criminal justice accounts of all accounts of or relating to the expenses mentioned in subsection 2 and notwithstanding anything in *The Audit Act* or any other Act contained such accounts shall not be subject to further examination or audit, and all accounts payable out of the Consolidated Revenue Fund under the provisions of subsection 2 shall be paid by the Provincial Treasurer as requisitioned by the Attorney-General or his Deputy upon the certificate of the Auditor of Criminal Justice Accounts. R.S.O. 1914, c. 96, s. 43 (2); 1917, c. 29, s. 5, *part*. Regulations as to audit by auditor of criminal justice accounts.

(4) The methods of payment and of apportionment set forth in items I and II under the subhead "Other Matters" in schedule "C" constitute the basis upon which the expenses or proportion thereof mentioned in such subhead payable out of the Consolidated Revenue Fund have heretofore and shall hereafter be fixed. *New*. Apportionment of expenses.

**18.**—(1) Where an allowance to a constable or other person under section 11 is paid by the county, the county shall be repaid one-half thereof out of the Consolidated Revenue Fund. R.S.O. 1914, c. 96, s. 16 (2). County to be re-imbursed one-half constable's fees.

(2) Notwithstanding anything in this or in any other Act each county shall be entitled to be reimbursed from time to time out of the moneys appropriated to the administration of justice for counties, such amounts paid to Crown attorneys for services and disbursements as the Attorney-General shall in his discretion consider proper to be repaid. R.S.O. 1914, c. 96, s. 16 (3); 1914, c. 21, s. 26 (1). Re-imbursement of county for crown attorney's fees.

(3) A statutory declaration of the treasurer of the county or city that the accounts have been paid by the county or city respectively, shall be sufficient evidence of that fact. R.S.O. 1914, c. 96, s. 16 (4). Evidence of payment by county.

(4) The distance travelled from the court house to the place where a paper is served or other service performed shall be ascertained by the statutory declaration or affidavit of the sheriff or his bailiff or other officer who actually makes or performs the service. 1916, c. 24, s. 18. Mileage—how ascertained.

In cases of indictable offences costs to be paid out of the county funds.

**19.** Where a person is prosecuted or tried for an indictable offence and convicted or acquitted, or otherwise discharged, the costs of the prosecution, including the actual travelling expenses of the Crown attorney, when not otherwise provided by law, shall be paid by the county. R.S.O. 1914, c. 96, s. 18; 1914, c. 21, s. 26 (2).

Expenses of trial on change of venue.

**20.**—(1) Where in the case of a prosecution for an indictable offence the venue is changed from the county in which such offence is alleged to have been committed to another county, the county in which the trial would have taken place had the venue not been changed, shall repay to the county to which the venue is changed all additional expenses to which such last mentioned county is put by reason of the change of venue.

Where venue changed from provisional judicial district to county.

(2) Where the venue is changed from a provisional judicial district to a county the county shall be reimbursed such expenses by the Government, and when the venue is changed from a county to a provisional judicial district such expenses shall be repaid to the Government by the county.

How recoverable.

(3) Any amount payable by one county to another or by a county to the Province under subsection 1 or subsection 2 shall be a debt recoverable by the county or the Crown as the case may be, by action in any court of competent jurisdiction. 1924, c. 36, s. 2.

In cases of indictable offences fees for services to person charged to be paid from the county funds

**21.** Where a person is charged with an indictable offence every officer of the court before which he is tried, or any proceeding is had with regard to the charge, who renders any official service in the matter of the charge, or in the course of the trial, to the person so charged, shall be paid his lawful fee for such service by the county, in the same manner as other fees payable to them in respect of official services rendered to the Crown in the conduct of public prosecutions, and no such fee shall in any case be demanded of or be payable by the person charged. R.S.O. 1914, c. 96, s. 19.

Accounts against county to be audited by a board of audit.

**22.**—(1) Subject to the provisions of Part III, all accounts and demands preferred against a county in respect of the administration of criminal justice shall be audited and approved by the board of audit hereinafter mentioned.

Accounts to be sent to clerk of peace quarterly.

(2) The accounts and demands shall be delivered to the clerk of the peace on or before the 1st days of January, April, July and October in every year. R.S.O. 1914, c. 96, s. 20.

Board,—how constituted and paid.

**23.**—(1) Subject to the provisions of subsection 2 the board of audit shall consist of the judge of the county court,

and



and two other persons, not more than one of whom shall be a member of the council, who shall be appointed annually at its first meeting by the council of the county. R.S.O. 1914, c. 96, s. 21 (1); 1918, c. 25, s. 4.

(2) The council of every city which forms part of a county for judicial purposes and pays a part of the expenses of the administration of justice shall appoint one member of the board of audit and in that case the county council shall appoint a member of the board of audit for every member appointed by the council of a city. 1918, c. 25, s. 4. Where city concerned.

(3) The county and city councils may pay each member of the board such sum as they may respectively by by-law determine for his attendance at the audit and five cents for each mile necessarily travelled in going to and returning therefrom. 1918, c. 25, s. 5. Remuneration of members of board of audit.

(4) The junior judge or a deputy judge, if any, in the absence or at the request of the judge may act in his stead. R.S.O. 1914, c. 96, s. 21 (4); 1918, c. 25, s. 6. Absence of judge.

**24.** The clerk of the peace, on the direction of the judge, shall convene the board for the purpose of submitting to it the accounts and demands delivered to him and shall attend the audit, record the proceedings thereat and carry out the orders of the board in respect of the same. R.S.O. 1914, c. 96, s. 22. Duties of clerk of the peace at audit.

**25.**—(1) The accounts and demands shall be taken into consideration by the board between the 1st and 15th days of January, April, July and October in each year, and shall be disposed of as soon as practicable. When board to consider accounts.

(2) The board, on the completion of the audit, to be made in October, shall make a report to the council of any irregularity in the accounts and demands, or of any claim made contrary to law, or of any other matter which the board considers should be brought to the notice of the council. Report.

(3) The chairman of the board of audit shall have the power of summoning before the board any person, and of requiring him to give evidence on oath, and to produce such documents and things as the board may deem requisite to the full investigation of such accounts and demands, and for that purpose shall have the same power to enforce the attendance of any person, and to compel him to give evidence, and produce documents and things as is vested in any court in civil cases. R.S.O. 1914, c. 96, s. 23. Authority of chairman of board of audit as to evidence.

**26.** Where the account of a constable for services performed in connection with the arrest and detention of vagrants is deemed unreasonable, or the arrests appear to have been Discretion of board in case of arrest of vagrants.

unnecessary

unnecessary or to have been made for the purpose of making fees, the board may refuse to approve the accounts, in whole or in part, or may report the facts and its opinion thereon to the county council, which may, by resolution, refuse payment of such accounts in whole or in part. R.S.O. 1914, c. 96, s. 24; 1918, c. 25, s. 7.

Certificate of clerk of the peace as to audit of board.

**27.**—(1) When the accounts have been audited and approved by the board they shall be certified by the clerk of the peace and his certificate shall be sufficient evidence of such audit and approval.

Specifying authority for payment.

(2) In certifying accounts, except for the payment of constables, the certificate shall state the statute, if any, under which the expenditure is authorized. 1918, c. 25, s. 8.

Items allowed by auditor of criminal justice accounts.

**28.** The treasurer of the county shall notify the board of the items disallowed by the Auditor of Criminal Justice Accounts in the criminal justice accounts of the previous quarter, and the board may deduct the amounts so disallowed from the next or any accounts of the same officers submitted for audit. R.S.O. 1914, c. 96, s. 26; 1917, c. 29, s. 1.

Payment of percentage on constable's account on recommendation of county judge.

**29.** On the presentation of his account for services and disbursements duly verified, with the certificate of the magistrate, Schedule "B," and a recommendation of the judge of the county court, naming the amount, a high or county constable shall be entitled to be paid seventy-five per centum of such account without waiting for a meeting of the board to pass the same; but if the board afterwards finds that the constable has been overpaid, he shall refund the amount overpaid, and if not refunded it may be deducted from his next or any subsequent account. R.S.O. 1914, c. 96, s. 27.

Board of audit may allow sum in addition to tariff fees.

**30.** In proper cases the board may, upon the recommendation in writing of the magistrate and high constable, allow a reasonable amount to a county constable for his services, in addition to the fees provided for by Schedule "A." R.S.O. 1914, c. 96, s. 28.

Doubtful items in accounts may be deferred.

**31.** The board may direct the treasurer to defer payment of any account, or any item in any account, payable out of the Consolidated Revenue Fund in respect of which it doubts either the liability of the Province or the correctness of the amount charged, until the decision of the Auditor of Criminal Justice Accounts as to the correctness or allowance of the account or item has been notified to the treasurer. R.S.O. 1914, c. 96, s. 29; 1917, c. 29, s. 2.

County treasurer's duty.

**32.** The treasurer of every county shall, without further authority, pay the amount of the fees which are payable by the county, when certified as aforesaid, and in preference to

all other charges, unless otherwise provided by law and in the following order that is to say, after the expenses of levying and collecting and managing the rates and taxes imposed in the county are paid,—

- (a) all sums payable to the sheriff, coroner, gaoler, Order of payment for accounts. surgeon of the county gaol, or to any other officer or person, for the support, care or safe keeping of the prisoners in the county gaol, or for the repairing and maintaining of the court house or gaol;
- (b) the accounts of public officers and officers of the court of general sessions of the peace;
- (c) all sums payable for any other purpose connected with the administration of justice within the county;
- (d) all other sums certified as aforesaid in the order in which the same were certified. R.S.O. 1914, c. 96, s. 30; 1918, c. 25, s. 9.

### PART III.

**33.** The Lieutenant-Governor in Council may appoint the local registrar or deputy clerk of the Crown of the county, or some other public officer resident in the county town, to be the auditor of the accounts relating to the administration of justice in the county for which the Province is liable. Auditors of accounts payable by Province. R.S.O. 1914, c. 96, s. 31.

**34.** Where such an appointment is made it shall not be requisite for the board of audit, appointed under Part II, to audit or approve any account in respect of items set out in Schedule "A" under any of the following headings namely,— "Sheriffs," "Clerks of the Peace," "Criers," and "Constables" where the accounts rendered under these headings are in respect of offences belonging to any of the following classes.— Audit of certain items by county auditor dispensed with

- (a) offences for which the persons charged were committed or held to bail for trial at the sittings of the Supreme Court or general sessions of the peace;
- (b) offences for which the persons charged were convicted before a police magistrate, under Part XVI or before a judge of county or district court under Part XVIII of *The Criminal Code*; R.S.C. c. 146.

or in respect of fees to gaol surgeon under the heading "Other Matters" in such schedule. R.S.O. 1914, c. 96, s. 32. *Amended.*



Audit by  
county  
auditors.

**35.** All other accounts in connection with the administration of civil or criminal justice which, under Parts I and II or otherwise, are payable by the county shall be audited by the board of audit. R.S.O. 1914, c. 96, s. 33.

Accounts  
which are to  
be audited  
by auditor  
appointed  
under s. 33.

**36.** Where such an appointment is made, all services heretofore performed under the regulations provided for by subsection 3 of section 17 in respect of the auditing and approving of accounts relating to the administration of justice, and in respect of the auditing of accounts of the Crown attorney, for which the Province is liable, shall thereafter be performed by the auditor so appointed who, so far as the auditing and approving of such accounts is concerned, shall be substituted for the board of audit, wherever the board is mentioned in Part II. R.S.O. 1914, c. 96, s. 34. *Amended.*

When  
accounts to  
be delivered  
to auditor.

**37.** All accounts and demands to be audited by the auditor shall be delivered to him in duplicate, on or before the 10th day of every month, and shall include all demands of the person rendering the same up to the last day of the next preceding month. R.S.O. 1914, c. 96, s. 35.

Form of  
account.

**38.** Every account shall be rendered in the form in Schedule "B" or in such other form as the Lieutenant-Governor in Council may prescribe, and shall be verified by the oath of the claimant that the account is correct in every particular, and, when mileage is charged, the places from and to which the mileage is reckoned, and the number of miles shall be mentioned; and in no case shall more than the actual number of miles travelled be allowed, nor, where the service is by a sheriff's officer, shall a greater number of miles be allowed than the distance from the court house to the place of service; and the separate items in such account shall be numbered consecutively. R.S.O. 1914, c. 96, s. 36.

Forms to be  
provided by  
county.

**39.** Forms of account, in accordance with Schedule "B," or such other form as may be prescribed by the Lieutenant-Governor in Council, shall be provided by the county, and shall on application be furnished by the county treasurer to the officers requiring them. R.S.O. 1914, c. 96, s. 37.

Constable's  
accounts to  
be certified.

**40.** Every account of a constable shall be certified by the justice or coroner under whose direction the constable acted. R.S.O. 1914, c. 96, s. 38.

Powers of  
auditor.

**41.** The auditor may call upon the claimant for any information that may be required in connection with his account, and for a reference to the authority for the charges made, and may administer an oath to the claimant or to any other person giving evidence in respect of the claim, but shall make no charge therefor. R.S.O. 1914, c. 96, s. 39.

**42.** The auditor shall audit each account on receipt thereof, or as soon thereafter as he reasonably can, and, if the claimant so desires, in his presence; the auditor shall note with red ink in the proper column of the account the item or items disallowed or deferred for further inquiry, distinguishing those disallowed from those deferred; and he shall forthwith, after audit, transmit one of the duplicates of each account to the county treasurer, having first indorsed on such account a certificate showing the amount found to be due to the claimant. R.S.O. 1914, c. 96, s. 40.

Duties of  
auditor.

**43.** The treasurer of the county shall pay the accounts so approved and take receipts therefor and transmit receipted accounts, with a proper statement of account, to the Auditor of Criminal Justice Accounts at Toronto, who shall check and audit the same, and warrants shall be issued for the amount of such payments to the county treasurer. 1917, c. 29, s. 3.

Duties of  
Auditor

**44.** The Auditor of Criminal Justice Accounts may disallow any sum which has been improperly allowed by the auditor, and, unless the same is disallowed because not payable by the Province, if the same has been paid meanwhile by the county treasurer, he shall deduct the amount from any money which may, within a year next thereafter, be payable by the county to the person to whom the payment was erroneously made, and if no money, or not sufficient money, shall be so payable the Province shall make good to the county the amount or the deficiency, as the case may be. R.S.O. 1914, c. 96, s. 42; 1917, c. 29, s. 4.

Provincial  
Treasurer  
may dis-  
allow sums  
improperly  
allowed.

**45.** The following Acts and parts of Acts are repealed,— Repeal.

R.S.O. 1914, Chapter 96—The whole.  
1914, Chapter 21—Sections 25 and 26.  
1916, Chapter 24—Sections 16 to 18.  
1917, Chapter 29—The whole.  
1918, Chapter 25—The whole.  
1919, Chapter 25—Sections 14, 38 and 39.  
1922, Chapter 51—The whole.  
1924, Chapter 36—The whole.

**46.** This Act shall come into force on the day upon which it receives the Royal Assent.

Commence-  
ment of  
Act.

## SCHEDULE "A"

## SHERIFFS.

1. Attending sittings of the Supreme Court, per diem.....	\$5 00
2. Attending the general sessions, jury sittings of the county court and county or district court judges criminal court, per diem.....	5 00
3. Summoning each grand jury for the Supreme Court or general sessions.....	12 00
4. Summoning each petit jury for the Supreme Court or general sessions.....	24 00
5. For every prisoner discharged from gaol, having been committed by warrant for trial at the Supreme Court or general sessions.....	1 00
6. For the discharge from gaol of every prisoner convicted by police magistrate under Part XVI or by a judge of the county or district court under Part XVIII of the Criminal Code..	1 00
7. Bringing up each prisoner for arraignment, trial and sentence, whether convicted or acquitted, including prisoners who have been out on bail, for each day necessarily brought up..	2 00
8. Drawing calendar of prisoners for trial at the Supreme Court or general sessions including copies.....	5 00
9. Advertising the holding of the sittings of the Supreme Court or general sessions.....	4 00
10. Every annual or general return, required by law or by the Government, respecting the gaol or the prisoners therein..	5 00
11. Every other return made to the Government.....	4 00
12. Every return made to the Assembly.....	4 00
13. Every return to the court of general sessions of the peace, required by statute or by order of the court.....	2 00
14. Every return required by the county council.....	1 00
15. Every return to the Inspector of Legal Offices.....	4 00
16. Returning precepts to the Supreme Court or general sessions..	4 00
17. Conveying prisoners to the penitentiary or reformatory or to another county (exclusive of disbursements), for each day necessarily employed.....	6 00
18. Arrest of each person upon a warrant (to be paid out of the county funds, or by the party, as the case may be).....	3 00
19. Serving subpoena upon each person (to be paid out of the county funds, or by the party, as the case may be).....	1 50
20. Travelling in going to execute warrant or serve subpoena, or in returning with a prisoner, per mile actually travelled.. (To be paid out of the county funds, or by the party as the case may be; where the service has not been effected, the board of audit is to be satisfied that due diligence has been used.)	15



21. Conveying prisoners on attachment, judge's order or habeas corpus to another county or district, exclusive of disbursements, for each day necessarily employed (to be paid out of the county funds, or by the party, as the case may be.)..	\$6 00
22. Making return upon attachment or writ of habeas corpus (to be paid out of the county funds, or by the party, as the case may be).....	2 00
23. Levying fines or issues on recognizances estreated, or other process (to be levied under section 6 of Part 1)..... \$5 per \$100 on the first \$400 of the sum levied, exclusive of mileage, at 10 cents per mile, and on all sums above \$400 the same allowance as on executions in civil proceedings. Where a levy has not been made, \$2 for every \$100 of the amount received in lieu of the above amount.	
24. Carrying into execution the sentence of the court in capital cases.....All such sums as are unavoidably disbursed.	
25. Attending and superintending the executions in such cases..	20 00
26. Summoning each constable to attend the Supreme Court or general sessions, exclusive of mileage at 15 cents a mile....	50
27. Keeping a record of jurors who have served each court.....	4 00
28. Disbursements actually and necessarily made in guarding prisoners, or in their conveyance to the penitentiary or reformatory, to any other county or elsewhere or for other purposes in the discharge of the duties of his office (where not provided by law, or hereinbefore specifically provided for) to be rendered in account in detail with the proper vouchers, to the satisfaction of the board of audit, and to be by the board allowed.....	
29. Disbursements actually and necessarily incurred while in attendance upon a judge of the Supreme Court when holding a sittings of the Sureme Court or incurred in obedience to his order, to be paid by the treasurer of the county upon the order of the sheriff.....	
30. Keeping a record of constables at the Supreme Court or general sessions, each.....	2 00
31. Notification to judge, under section 826, Criminal Code, for each prisoner.....	1 00
32. Making special return of prisoners sentenced to Ontario Reformatory or Mercer Reformatory and of prisoners eligible for removal to the Ontario Reformatory or Mercer Reformatory, as the Inspector may direct (each prisoner)..  (Not more than \$5 to be allowed for any one return, and each return must cover all prisoners in gaol when the same is made.)	1 00
33. Certified copy of sentence.....	50
34. Taking prisoner to railway station to be delivered to bailiff for reformatory, in addition to other expenses incurred in such duty.....	1 00
35. Return and services in respect of inquisition on body of a prisoner dying in the gaol.....	4 00
36. General supervision over the gaol and prisoners therein, and the books kept in connection with the gaol, in addition to any other allowance, and for stationery and postage, per quarter.	25 00

37. Every prisoner discharged from gaol other than prisoners committed by warrant for trial at the sittings of the Supreme Court or general sessions. ....	\$1 00
38. Services performed under section 1059 of the Criminal Code, in each case disposed of under that section. ....	2 00
39. For attending and carrying out a sentence in cases of flogging, and reasonable disbursements in preparing a triangle, cat, and straps, and a man to execute sentence. ....	6 00
40. General fee, as an allowance to cover services under any statute, order in council, or otherwise, for which no fee is provided, per quarter. ....	50 00

1918, c. 25, s. 10.

[For Schedule of Coroners' fees, see "*The Coroners Act*," *Rev. Stat. c. 92*.]

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CLERKS OF THE PEACE.

1. Drawing precepts to summon the grand and petit juries for the general sessions; attending judge to sign same; and transmitting to the sheriff. ....	\$6 00
2. Attending general sessions or board of audit for the first day. .	6 00
3. For each additional day, not including time occupied by county court. ....	4 00
4. Making up records of general sessions (when completed), including quarterly record of returns of convictions required by <i>The Justices of the Peace Act</i> . ....	15 00
5. Notice of every appointment of a constable, under <i>The Constables Act</i> or other officer appointed by the general sessions or by the judge. ....	25
6. Drawing every special order of the general sessions necessary to be communicated to any person, and entering it on record. ....	1 00
7. Notice of any order made by the general sessions, and letter transmitting same, when necessary. ....	50
[8. Copying orders of the court, and causing the same to be published where necessary, exclusive of the expense of publication, per folio. ....	10
[9. Issuing subpoena. ....	75
10. Every copy of subpoena (when necessary and when not made out or charged for by the Crown attorney). ....	25
11. Issuing bench warrant. ....	1 00
12. Every recognizance to keep the peace, or for good behaviour. .	1 00
13. Every recognizance to appear. ....	50
14. Calling parties on their recognizance and recording their non-appearance, for each person called. ....	25
15. Discharging a recognizance. ....	50
	16.

16. Drawing order of the general sessions to estreat and put in process (on the whole list).....	\$1 00
17. Entering an order to remit an estreat, and recording an entry of the same.....	50
18. Preparing list each sittings; specifying names of persons making default under s. 6 of <i>The Estreats Act</i> .....	50
19. Entering and extracting upon a roll, in duplicate, the fines, issues, amerciaments, and forfeited recognizances recorded in each session, making oath to the same, and transmitting to the sheriff.....	2 00
20. Making out and delivering to the sheriff the writ of <i>feri facias</i> and <i>capias</i> thereon.....	75
21. Making out and certifying copy of roll and return of the sheriff, and transmitting it to the Provincial Treasurer.....	1 00
22. Copies of depositions or examinations furnished to prisoners accused of felony, or their counsel, per folio of 100 words (when required by the accused, or his counsel, and ordered by the court. This fee not to be charged when copies are furnished by the Crown attorney).....	10
23. Receiving and filing each indictment, when bill returned by the grand jury.....	50
24. Receiving and filing each presentment of the grand jury.....	50
25. For a copy of presentment of the grand jury, forwarded by order of the court of general sessions, per folio.....	10
26. Arraigning each prisoner, or defendant.....	75
27. Recording plea, or receiving and filing demurrer.....	50
28. Empanelling and swearing the grand jury.....	1 00
29. Empanelling and swearing the petit jury in each case.....	75
30. Swearing each witness, before the grand jury.....	20
31. Charging the jury with prisoner or defendant upon each indictment.....	1 00
32. For filing each exhibit, list, return, or other paper connected with the proceedings in the court of general sessions where no charge therefor is specially provided.....	10
33. Swearing each witness upon any trial or proceeding before the court.....	20
34. Receiving and recording verdict of petit jury.....	50
35. Recording each judgment or sentence of the court.....	1 00
36. Making out and delivering to the sheriff a calendar of the sentences in each court.....	1 50
37. Making out a certified copy or abstract of sentences sent with the prisoners to the penitentiary, or reformatory after each session.....	1 00
38. Making up record of conviction or acquittal.....	1 00
39. Discharging prisoner by proclamation, each.....	50



40. Every allowance of certiorari, to be paid by the party applying except when he is in indigent circumstances.....	\$1 00
41. Furnishing to sheriff and each of the coroners revised lists of constables, when a revision has been made and when ordered to be done by the justices in general or adjourned sessions, for each list.....	1 00
42. Reading statute or public proclamation, when required to be done by law.....	25
43. Making every copy or extract of a record, or paper, or document of any kind, required to be made by law, or by the order of the justices in sessions, or by the order of the Government, in any of its departments, or for the information and use of the Government, when required, and when no charge is fixed by law, per folio.....	10
44. Causing public notice to be proclaimed in open court of the general sessions, of an intention to alter or rescind previous orders respecting the number and extent of any one or more of the division court limits, under section 15 of <i>The Division Courts Act</i> .....	50
45. Drawing up such orders of general sessions, for altering the limits of division courts, per folio.....	20
46. Making and transmitting copies of such orders to the Government, per folio.....	10
47. Making and transmitting copies of such orders to each clerk of a division court affected by such alterations, per folio.....	10
48. Making up book of orders of general sessions, declaring the limits of division courts.....	1 50
49. Making and transmitting copies (with letter) to the clerk of each division court.....	1 00
50. Making and transmitting a copy thereof to the Government..	1 00
51. For every necessary certificate, per folio.....	20
52. Making and transmitting to the Provincial Treasurer, a return or schedule of all convictions which have taken place before the court, each list including letter.....	1 00
53. Causing notice to be published of any special or adjourned general sessions, when directed by the chairman, or other two justices, so to do, besides amount paid for publication..	1 00
54. Sending notice of any such general sessions to the justices individually, when it is directed by the chairman, or other two justices, for each notice .....	20
55. Attending each adjourned or special sittings of the general sessions, and making up record of same, when completed..	5 00
56. Making out warrant of distress or commitment, in any case where no fee is specially assigned therefor by any statute, or by this tariff.....	1 00
57. Swearing constable in open court.....	20
58. Receiving, filing, and recording each oath of qualification of a justice of the peace.....	25
59. Every letter written by direction of the justices in sessions to the Government, or justices, or coroners, or constables, or others upon matters connected with the business of the court or the administration of justice.....	25
	60.

60. All necessary outlays for postage and publishing to be added in all cases.

The above tariff of fees and costs shall also be applicable in all proceedings where costs are chargeable or ordered to be paid by private parties, together with the following additional items:

61. Certifying the result of each appeal heard and determined by the court to the convicting justice or to any party requesting the same under any statute.....	\$0 50
62. For every single search.....	20
63. For every general search.....	50
64. Receiving and filing notices of appeal and the appeal from any judgment or conviction by one or more justices where an appeal is given by law to the court of general sessions of the peace.....	50
65. When the appeal called,—on reading the conviction, notice of appeal and recognizance.....	50
66. For all other services upon the trial of such appeal case, when tried by a jury, the same charges as hereinbefore specified in other trials.	
67. Issuing process to enforce the order of the court in appeal case when required by law.....	1 00
68. For each copy of schedule of the times and places of holding the division courts with the order of sessions and forwarding the same to each division court clerk.....	50
69. Drawing bill of costs, including taxation and filing the same where necessary to be made and filed, as in cases of assault, nuisances or the like, and in appeals, ( <i>to be paid by the party</i> ).....	50
70. For every certificate required of proof of a deed, ( <i>to be paid by the party applying for the same</i> ).....	1 00
71. Receiving and filing affidavit of bastardy, ( <i>see Rev. Stat. c. 169, s. 3</i> ) ( <i>to be paid by the party producing it</i> ).....	25
72. Receiving and filing each tender for any public work, or supply, or printing, or other service.....	25
73. Making out a list of the several tenders on each occasion, as they are opened, specifying the names, prices, and other particulars, and filing the same, when required to be done by the justices.....	50
74. Drawing bonds or agreements for the delivery of articles, or for doing the work for the gaol or other county purposes, and attending execution, when required by the justices....	1 00
75. Receiving and filing accounts and demands, preferred against the county, numbering them, and submitting them for audit, and making out the cheques.....	4 00
76. Making out and delivering lists of orders on the treasurer, made at each audit.....	2 00
77. For every report or return required by statute, or by the Government, where no remuneration has been provided by this table or by statute.....	1 00
78. Making out and transmitting a return to the Government of justices and coroners who have taken the oaths, when required to be done, for each return.....	1 00

79. Swearing each party to an affidavit, where no charge is elsewhere provided for it ( <i>to be paid out of the county funds, or by the party for whom the affidavit is sworn, according to the nature of the case</i> ).....	\$0 20
80. Drawing certificate of approval by the justices in sessions, of sureties tendered by the sheriff, ( <i>to be paid by sheriff</i> )...	50
81. Administering oaths to any public officer, when authorized so to do, ( <i>to be paid by the officer</i> ).....	25
82. For distributing the statutes to the justices and county officers, or others, when directed by statute or the Government so to do, and taking receipts therefor; from each justice or officer.....	10
83. For accounting to the county member for the copies of statutes not called for by the justices and county officers, and delivering the same to him, wherever such duty is required by statute, or by the Government and no other fee allowed.....	1 00
84. For receiving and filing voters' lists for an entire municipality under <i>The Ontario Voters' Lists Act</i> .....	25
85. For filing each list, return, or other paper, where no charge is specially provided for, except accounts and claims against the county, and papers connected with matters to be charged against private individuals, ( <i>to be paid out of the county funds, or by the party for whom the service is rendered, according to the nature of the case</i> ).....	08

(a) When the offices of the clerk of the peace and Crown attorney are held by the same person and there is a similar or the same fee provided for the same service to each officer, only one fee is to be charged or allowed.

(b) Items numbered from 1 to 67 of the foregoing tariff shall only apply to proceedings in the courts of general sessions of the peace, and shall not supersede any existing tariff of fees for services rendered by the clerk of the peace out of sessions.

*For services in County or District Court Judge's Criminal Court*

86. Attending and service in court, and making all necessary entries; for each prisoner brought before the judge, and not consenting to be tried—in all.....	50
87. For attendance in court, and services rendered at trial, making necessary record of proceedings and all necessary entries, including calendar of conviction; for each prisoner.....	2 00
88. Preparing judge's warrant to bring up the body of prisoner, and delivering the same to sheriff—for each prisoner.....	50
89. Issuing writ of summons to witness when necessary.....	40
90. Copy of summons, each.....	20
91. Warrant of remand, when issued and delivered to sheriff.....	50
92. For warrant to arrest, taking and estreating recognizances and proceedings to enforce same....( <i>the same fees as allowed for like services at the general sessions of the peace.</i> )	



## CROWN ATTORNEYS

In all criminal trials in which no costs have been ordered to be paid, or if ordered to be paid, cannot be made of the defendant, the Crown attorney shall be entitled to receive for the services rendered by him in such case, the following fees to be paid upon the certificate of the chairman of the board of audit and to be taken in lieu of, and not in addition to, the fees which have been heretofore payable for services rendered in such cases, viz.:—

1. For receiving and examining all informations, depositions, documents and papers connected with a criminal charge....	\$2 00
2. For preparing draft and engrossed copy of every indictment, or charge.....	2 00
3. For all services before grand jury at each sessions .....	5 00
4. For all business (except items 1, 2 and 3 supra, and the following) in conducting the prosecution to judgment as well before as after trial .....	10 00
5. Receiving and examining all informations and other documents and papers in connection with each criminal case at a sittings of the Supreme Court upon a certificate of the counsel for the Crown at the trial that the fee should be allowed.....	4 00
N.B.—Half the fee to be charged if the case has remained undisposed of from a prior court and is prosecuted to judgment. These fees not to be allowed if the Crown attorney is also counsel for the Crown.	
6. Preparing a subpoena at a trial at a sittings of the Supreme Court.....	1 00
7. Every copy of a subpoena at a trial at a sittings of the Supreme Court.....	20
8. Per diem fee assisting Crown counsel at assizes in cases in which the superior court has exclusive jurisdiction on certificate of Crown counsel, up to.....	10 00
9. Affidavit and application to judge for <i>habeas corpus ad testificandum</i> and writ, etc.....	2 00
10. Postage per quarter.....	2 00
11. For attendance on the judge of the county court by his special requisition in writing where application is made by a prisoner to be admitted to bail.....	2 00
12. For attending police court in summary trials under Part XVI of the Criminal Code where requested in writing to attend by the police magistrate or by two justices of the peace acting under clause VII of subsection "A" of section 771 of the Criminal Code.....	5 00
When out of county or district town a per diem allowance of (not including expenses).....	10 00
13. Attending preliminary enquiry in county or district town, per hour .....	2 00
Not exceeding in any one day.....	10 00

14. Attending preliminary enquiry out of county or district town  
(not including expenses), per diem..... \$10 00
15. The same fees for attending coroners' inquests as in preliminary enquiries.....
16. If copies of depositions are required by the presiding judge or Crown counsel the same shall be prepared by the Crown attorney and allowed at the rate of 10c. per folio.....
17. General fee as an allowance to cover all services for which no fee is provided, including departmental reports, under any statute, order in council, departmental direction, or otherwise, and including advising police magistrates, justices of the peace, coroners, provincial police officers and license inspectors, in discharge of their duties and the public generally on criminal matters, per quarter..... 50 00

(a) Where a number of charges are pending against the same person, and a conviction has been obtained on one or more indictments, fees, and costs on the further proceedings upon the other charges, are not to be made or allowed on taxation, unless in cases where the chairman would, in the event of additional convictions, impose a heavier sentence, or unless there are special circumstances, which, in the opinion of the chairman render it expedient that the other cases, or some of them, should be proceeded with and tried.

(b) In cases of indictment for the obstruction, or the non-repair of a highway or bridge, or of indictment for nuisance (where there is a *bona fide* dispute as to boundary, or title, or claim of right, and where no present public inconvenience is being suffered from what is complained of) the Crown attorney shall not be entitled to charge costs to the public, without the special sanction of the Attorney General, but will collect his fees and costs from the parties only.

(c) When the offices of Crown attorney and clerk of the peace are held by the same individual, and a similar or the same fee is provided for the same service to each officer only one fee is to be charged or allowed.

1917, c. 29, s. 8; 1922, c. 51, s. 2, *part.*

#### CLERKS OF POLICE COURTS AND OTHER COURTS.

1. For certificates of previous conviction under section 982 of the Criminal Code..... 1 00

R.S.O. 1914, c. 96, Schedule "A," Clerks of Police Courts and Other Courts.

#### CONSTABLES.

1. Arrest of each individual upon a warrant, or arresting without warrant an individual, who is subsequently convicted or committed for trial..... \$1 50
2. Serving summons or subpoena..... 50
3. Mileage to serve summons or subpoena or to make an arrest, one way, per mile..... 13  
(If no public conveyance is available reasonable livery charges to be allowed.)
4. Mileage when service cannot be effected, upon proof of due diligence, one way..... 13

5. Returning with prisoner after arrest to bring same before magistrate or justice for preliminary hearing or trial where the magistrate or justice is not at place where warrant was handed constable and where the journey is of necessity over a different route than that travelled to make the arrest, per mile, one way..... \$0 13
6. Taking prisoner to gaol on remand or committal, one way, per mile..... 13  
(Not payable if this is return journey from taking prisoner before the justice, double mileage not being chargeable.)
7. Where a conveyance is necessary, proper disbursements for livery or railway fare to convey prisoner before magistrate or justice for preliminary hearing, trial or remand after arrest or on committal to gaol, shall be allowed.
8. Attending magistrate or justice on summary trials or on examination or prisoners charged with crime, for each day necessarily employed, only one day's fee on any number of cases..... 2 00
9. Court constables attending sittings of Supreme Court, general sessions, county court, and county or district court, judges' criminal court and sittings of surrogate court for the hearing of contentious cases each day..... 2 50
10. Mileage, travelling to attend courts mentioned in Item No. 9.. 13  
(When public conveyance can be taken, only reasonable disbursements to be allowed).
11. Constables attending as witnesses in indictable cases at assizes, sessions, county or district court, judges' criminal court or before police magistrates in cases tried under Part 16 of the Criminal Code, each day..... 2 00  
In the case of constables attending a trial at a place other than where such constable resides, railway fares and reasonable hotel and other travelling expenses shall be allowed in addition to the above.
12. Summoning jury for coroner's inquest, including attending at inquest and all services in respect thereof, if held on the same day as jury summoned..... 3 00
13. Attending each adjournment thereof..... 2 00
14. Serving summons or subpoena to attend before coroner or provincial coroner..... 50  
(Subject to No. 12).
15. Mileage, serving same..... 13
16. Exhuming body under coroner's warrant..... 4 00
17. Re-burying same..... 2 00
18. Serving distress warrant and returning same..... 1 50
19. Advertising under the distress warrant..... 1 50
20. Travelling to make distress or to search for goods to make distress, where no goods are found, one way per mile..... 13
21. Appraisements, whether by one appraiser or more, 2c. in the dollar on the value of the goods.
22. Catalogue, sale and commission and delivery of goods, 5c. in the dollar on the net proceeds of the goods.



23. Executing search warrant.....	\$2 00
24. Mileage to execute search warrant.....	13

1918, c. 25, s. 12; 1919, c. 25, s. 38.

CRIERS.

1. Making proclamation for opening or adjourning the High Court Division, General Sessions, County Court, and County Court Judge's Criminal Court .....	25
2. Making every other proclamation .....	25
3. Calling and swearing grand jury .....	50
4. Calling and swearing each petit jury .....	50
5. Calling and swearing each witness or constable .....	10
6. Attending high court division, general sessions, county court, and county or district court judge's criminal court, <i>per diem</i> .....	2 00

R.S.O. 1914, c. 96, Schedule "A," "Criers."

## SCHEDULE "B"

Province of Ontario,

Dr. to A. B.,

Constable of the County of

Date of Service	Number of Item.	Nature of Service and Particulars of Mileage.	Amount claimed by official	Deferred for further inquiry	Dis-allowed	Amount payable by the government

In the case of a constable or coroner, the justice of the peace shall add the following certificate:

I hereby certify that the above services were duly performed by constable \_\_\_\_\_ under my directions, and that the above named prisoner was committed by me for trial at the Supreme Court (or as the case may be).

F. G.,  
Justice of the Peace for the above County.

(Affidavit on back.)

County of \_\_\_\_\_ of \_\_\_\_\_  
 To Wit: I in the county of \_\_\_\_\_ make oath and  
 say:—

(1) That the within account of services performed by me is true in every particular.

(2) That I have not been paid any part of the charges, nor has any other person to my knowledge received payment for me or on my behalf, nor has any other person, to my knowledge, rendered an account for the same services.

(3) That to perform such services I necessarily travelled the distances in the account mentioned.\*

Sworn before me at  
this day of A.D. 19 in the County of

[\*Where special explanations are given, add: (4) "and that the explanatory statements written upon the said account are true in every particular."]

Endorsement on back of Account.	January, 19	County of Grey.	Account of A.B.,	Constable.
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R.S.O. 1914, c. 96, Schedule B.

## SCHEDULE "C."

### SHERIFFS.

1. Attending the Supreme Court. (Sheriff's tariff, Schedule A, item 1.)
2. Attending the general sessions, jury sittings or the county court and county or district court judges' criminal court. (Tariff item 2.)
3. Summoning each grand jury for the Supreme Court or general sessions. (Tariff, item 3.)
4. Summoning each petit jury for the Supreme Court or general sessions. (Tariff, item 4.)
5. For every prisoner discharged from gaol, having been committed by warrant for trial at the Supreme Court or general sessions. (Tariff, item 5.)
6. For the discharge from gaol of every prisoner convicted by a police magistrate under Part XVI or by a judge of the county or district court under Part XVIII of the Criminal Code. (Tariff, item 6.)
7. Bringing up each prisoner for arraignment, trial and sentence whether convicted or acquitted, including prisoners, who have been out on bail, for each day necessarily brought up. (Tariff, item 7.)
8. Drawing calendar of prisoners for trial at the Supreme Court, including copies. (Tariff, item 8.)
9. Advertising the holding of the Supreme Court or general sessions. (Tariff, item 9.)

10. Every annual or general return, required by law, or by the Government, respecting the gaol or the prisoners therein. (Tariff, item 10.)

11. Every other return made to the Government or the Legislature or to the sessions, required by statute or by order of the court. (Tariff, items 11, 12 and 13.)

12. Every return to the Inspector of Legal Offices. (Tariff, item 15.)

13. Returning precepts to the Supreme Court or general sessions. (Tariff, item 16.)

14. Conveying prisoners to the penitentiary or reformatory, or to another county or district and disbursements. (Tariff, item 17.)

15. Arrest of each individual upon a warrant (if payable by the Crown.) (Tariff, item 18.)

16. Serving subpoena upon each person (if payable by the Crown.) (Tariff, item 19.)

17. Travelling in going to execute warrant or serve subpoena, and in returning with prisoner (if payable by the Crown.) (Tariff, item 20.)

18. Conveying prisoner on attachment, judge's order or habeas corpus to another county, exclusive of disbursements (if payable by the Crown.) (Tariff, item 21.)

19. Making return upon attachment or writ of habeas corpus (if payable by the Crown.) (Tariff, item 22.)

20. Levying fines or issues on recognizances estreated, and mileage. (Tariff, item 23.)

21. Disbursements in carrying into execution the sentence of the court in capital cases. (Tariff, item 24.)

22. Attending and superintending the execution in such cases. (Tariff, item 25.)

23. Summoning each constable to attend the Supreme Court or general sessions. (Tariff, item 26.)

24. All disbursements actually and necessarily made in guarding prisoners, or in their conveyance to the penitentiary or reformatory, or to any other county or district or otherwise, or for other purposes in the discharge of the duties of his office (when not otherwise provided for). (Tariff, item 28.)

25. Notification to judge, under section 826 Criminal Code. (Tariff, item 31.)

26. Making special return of prisoners sentenced to Ontario Reformatory or Mercer Reformatory and of such persons eligible for removal to Ontario Reformatory or Mercer Reformatory as the Inspector may direct. (Tariff, item 32.)

27. Certified copy of sentence. (Tariff, item 33.)

28. Taking prisoner to railway station to be delivered to bailiff for Ontario Reformatory or Mercer Reformatory, in addition to other necessary expenses incurred in such duty. (Tariff, item 34.)

29. For general supervision over the gaol and the prisoners therein, and the books kept in connection with the gaol, in addition to any other allowance, and for stationery and postage, per quarter. (Tariff, item 36.)

30. For every prisoner discharged from gaol other than prisoners committed by warrant, for trial at the assizes or general sessions. (Tariff, item 37.)



31. For services performed under section 1059 of The Criminal Code. (Tariff, item 38.)

32. Attending and carrying out sentences in cases of flogging and disbursements connected therewith. (Tariff, item 39.)

33. One half of general fee, as an allowance to cover services under any statute, order in council or otherwise, for which no fee is provided. (Tariff, item 40.)

1918, c. 25, s. 11.

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[Note.—By “*The Coroners Act*,” the fees of coroners as set forth in Schedule “A” to that Act are payable out of the Consolidated Revenue Fund.]

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#### CLERKS OF THE PEACE.

1. Drawing precept to summon the grand and petit jury, attending judge to sign same and transmitting to the sheriff. (See *Tariff, Clerks of the Peace, item 1.*)

2. Attending each general sessions. (*Tariff, item 2.*)

3. Making up record of each general sessions. (*Tariff, item 4.*)

4. Notice of every appointment of a constable under *The Constables Act*, or other officer appointed by the justices in session, and notice of any order made by the general sessions when required to be notified to any person or party. (*Tariff, items 5 and 7.*)

5. Issuing subpoena, (*if payable by the Crown.*) (*Tariff, item 9.*)

6. Issuing bench warrant. (*Tariff, item 11.*)

7. Every recognizance of the peace for good behaviour. (*Tariff, item 12.*)

8. Drawing out and taking each recognizance to appear, either of prosecutor, defendant or witness, (*if payable by the Crown.*) (*Tariff, item 13.*)

9. Calling parties on their recognizance and recording their non-appearance, (*if payable by the Crown.*) (*Tariff, item 14.*)

10. Drawing order of the judge to estreat and put in process. (*Tariff, item 16.*)

11. Entering any order of the court of general sessions or of the judge of the county or district to remit an estreat and recording an entry of the same, (*if payable by the Crown.*) (*Tariff, item 17.*)

12. Making out lists of forfeited recognizances and fines to submit to the presiding judge after each general sessions in order that they may be estreated. (*Tariff, item 18.*)

13. Entering and extracting upon a roll, in duplicate, the fines, issues, amerciaments and forfeited recognizances recorded in each general sessions, making oath to the same, and transmitting it to the sheriff. (*Tariff, item 19.*)

14. Making out and delivering to the sheriff the writ of *fieri facias* and *capias* thereon. (*Tariff, item 20.*)

15. Making out and certifying copy of roll and return of sheriff, and transmitting it to Provincial Treasurer. (*Tariff, item 21.*)

16. Copies of depositions or examinations furnished to prisoners, defendants, or their counsel, when required by the party or his counsel, (*if payable by the Crown.*) (*Tariff, item 22.*)

17. Receiving and filing each presentment of the grand jury. (*Tariff, item 24.*)

18. Arraigning each prisoner or defendant indicted, and recording plea (*if payable by the Crown.*) (*Tariff, items 26 and 27.*)

19. Empanelling and swearing the jury in every case, whether criminal or otherwise, where by law a trial by jury is to be had at the general sessions, (*if payable by the Crown.*) (*Tariff, item 29.*)

20. Swearing each witness upon any trial by jury, or to go before the grand jury, (*if payable by the Crown.*) (*Tariff, items 30 and 33.*)

21. Charging the jury with the prisoner or defendant, upon each indictment, (*if payable by the Crown.*) (*Tariff, item 31.*)

22. Filing each exhibit upon a trial, (*if payable by the Crown.*) (*Tariff, item 32.*)

23. Receiving and recording each verdict of a petit jury, in any case of trial by jury, (*if payable by the Crown.*) (*Tariff, item 34.*)

24. Recording each judgment or sentence of the court upon a verdict or confession, (*if payable by the Crown.*) (*Tariff, item 35.*)

25. Making out and delivering to the sheriff a calendar of the sentences at each court. (*Tariff, item 36.*)

26. Certified copy of sentences sent with the prisoners to the penitentiary or reformatory after each general sessions. (*Tariff,*

27. Making up record of conviction or acquittal, in any case where necessary, (*if payable by the Crown.*) (*Tariff, item 38.*)

28. Discharging any prisoner by proclamation. (*Tariff, item, 39.*)

29. Furnishing to sheriff and coroners revised lists of constables, whenever ordered to be done by the justices in general sessions. (*Tariff, item 41.*)

30. Drawing orders of general sessions for altering the limits of division courts. (*Tariff, item 45.*)

31. Making out and transmitting copies of such orders to the Government. (*Tariff, item 46.*)

32. Making out and transmitting copies of such orders to each division court affected by the alteration. (*Tariff, item 47.*)

33. Making up books of orders of general sessions, declaring the limits of the division courts, and entering the times and places of holding the courts. (*Tariff, item 48.*)

34. Making out and transmitting copies (with letter) to the clerk of each division court, of the divisions made by the general sessions. (*Tariff, item 49.*)

35. Making out and transmitting a copy thereof to the Government. (*Tariff, item 50.*)

36. For each copy of schedule of division courts, with the order of general sessions for publication. (*Tariff, item 68.*)

37. Swearing each party to an affidavit, when no charge is elsewhere provided for it, (*if payable by the Crown.*) (*Tariff, item 79.*)

*For services in County, or District Court Judge's Criminal Court.*

38. Attending and service in court, and making all necessary entries for each prisoner brought before the judge, and not consenting to be tried. (*Tariff, item 86.*)

39. For attendance in court and services rendered at trial making necessary record of proceedings and all necessary entries, including calendar of conviction for each prisoner. (*Tariff, item 87.*)

40. Preparing judge's warrant to bring up the body of prisoner, and delivering same to sheriff. (*Tariff, item 88.*)

41. Issuing writ of summons to witness. (*Tariff, item 89.*)

42. Copy of summons. (*Tariff, item 90.*)

43. Warrant of remand, when issued and delivered to sheriff. (*Tariff, item 91.*)

44. For warrant to arrest, taking and estreating recognizances and proceedings to enforce same. (*Tariff, item 92.*)

R.S.O. 1914, c. 96, Schedule "C," "Clerks of the Peace."

#### CROWN ATTORNEYS.

1. For receiving and examining all informations, depositions, documents, and papers connected with a criminal charge. (*Tariff, item No. 1.*)

2. For preparing draft and engrossed copy of every indictment, or charge. (*Tariff, item No. 2.*)

3. For all services before grand jury at each sessions (*Tariff item No. 3.*)

4. For all business (except items 1, 2 and 3 *supra*, and the following), in conducting the prosecution to judgment, as well before as after trial. (*Tariff, item No. 4.*)

5. Receiving and examining all informations and other documents and papers in connection with each criminal case at a sittings of the Supreme Court upon the certificate of the counsel for the Crown at the trial that the fee should be allowed. (*Tariff, item No. 5.*)

N.B.—Half the fee to be charged if the case has remained undisposed of from a prior court and is prosecuted to judgment. These fees not to be allowed if the Crown attorney is also counsel for the Crown.

6. Preparing subpoena. (*Tariff, item No. 6.*)

7. Every copy of subpoena. (*Tariff, item No. 7.*)

8. Affidavit and application to judge for *habeas corpus ad testificandum* and writ, etc. (*Tariff, item No. 9.*)

9. Postage per quarter. (*Tariff, item No. 10.*)

10. For attendance on the judge of the county court by his special requisition in writing, where application is made by a prisoner to be admitted to bail. (*Tariff, item No. 11.*)

11. For attending police court in summary trials under Part XVI. of the Criminal Code where requested in writing to attend by the police magistrate or by two justices of the peace acting under clause VII. of subsection "A" of section 771 of the Criminal Code, and also when out of county or district town a *per diem* allowance. (*Tariff, item No. 12.*)



12. One-half of general fee as an allowance to cover all services for which no fee is provided, including departmental reports, under any statute, Order in Council, departmental direction, or otherwise, and including advising police magistrates, justices of the peace, coroners, provincial police officers, and license inspectors, in the discharge of their duties and the public generally on criminal matters, per quarter. (Tariff, item No. 17.)

1917, c. 29, s. 9; 1922, c. 51, s. 3, *part.*

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#### CLERKS OF THE POLICE COURTS AND OTHER COURTS.

For certificate of previous conviction. (*Tariff, item 1.*)

R.S.O. 1914, c. 96, Schedule "C," "Clerks of Police Courts and Other Courts."

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#### CONSTABLES.

1. Arrest of each individual upon a warrant, or arresting without a warrant an individual who is subsequently convicted or committed for trial. (Constables' tariff, Schedule "C," item 1.)

2. Serving summons or subpoena. (Tariff, item 2.)

3. Mileage to serve summons or subpoena or to make an arrest. (If no public conveyance is available reasonable livery charges to be allowed.) (Tariff, item 3.)

4. Mileage when service cannot be effected, upon proof of due diligence. (Tariff, item 4.)

5. Returning with prisoner after arrest to bring same before magistrate or justice for preliminary hearing or trial where the magistrate or justice is not at place where warrant was handed constable and where the journey is of necessity over a different route than that travelled to make the arrest. (Tariff, item 5.)

6. Taking prisoner to gaol on remand or committal. (Tariff, item 6.)

7. Where a conveyance is necessary, proper disbursements for livery or railway fare to convey prisoner before magistrate or justice for preliminary hearing, trial or remand after arrest or on committal to gaol, shall be allowed. (Tariff, item 7.)

8. Attending magistrate or justices on summary trials or on examination of prisoners charged with crime, for each day necessarily employed, only one day's fee on any number of cases. (Tariff, item 8.)

9. Three-fifths of the fee payable to court constables attending Supreme Court, general sessions and county or district court judges' criminal court. (Tariff, item 9.)

10. Mileage, travelling to attend courts, mentioned in item No. 9. (When public conveyance can be taken, only reasonable disbursements to be allowed.) (Tariff, item 10.)

11. One-third of fee and expenses payable to constables attending as witnesses in indictable cases of assizes, sessions, county or district court, judges' criminal court, or before police magistrates in cases tried under Part 16 of the Criminal Code. (Tariff, item 11.)

12. Summoning jury for coroner's inquest, including attending at inquest and all services in respect thereof if held on the same day as jury summoned. (Tariff, item 12.)

13. Attending each adjournment thereof. (Tariff, item 13.)

14. Serving summons or subpoena to attend before coroner. (Tariff, item 14.)

15. Mileage serving same. (Tariff, item 15.)

1918, c. 25, s. 13; 1919, c. 25, s. 39.

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OTHER MATTERS  
*Sec. 17 (4).*

1. All of the following expenses of Criminal Justice in so far as they relate to prisoners convicted of indictable offences are payable under sub-sec. 4 of sec. 17. *New.*

(1) Disbursements in transporting prisoners to the Penitentiary or Reformatory and for carrying other sentences of the Court into execution.

(2) Fee to gaol surgeon for the examination of each prisoner eligible for removal to or sentenced to a penitentiary or reformatory.

2. Such proportion of the following expenses of Criminal Justice as bears the same ratio to the whole of such expenses as the number of prisoners convicted of indictable offences bears to the whole number of prisoners, confined upon all charges during the same period. *New.*

(1) The maintenance of prisoners including, but not so as to restrict the generality of the foregoing, the following:

(a) The salaries of the gaoler, matron, gaol surgeon and turnkeys of each county gaol, and the retiring allowances granted to any of such officials under Sec. 247a of *The Consolidated Municipal Act, 1922.*

(b) Medicines, fuel and other similar necessities for the gaol and prisoners are confined therein.

R.S.O. 1914, c. 96, Schedule "C," "Other Matters"; 1917, c. 29, s. 10. *Amended.*

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CRIERS.

1. Making proclamation for opening or adjourning the sittings of the Supreme Court and general sessions. (Tariff, *Criers*, item 1.)

2. Making every other proclamation. (Tariff, item 2.)

3. Calling and swearing grand jury. (Tariff, item 3.)

4. Calling and swearing every petit jury, (Tariff, item 4.)

5. Calling and swearing every witness or constable. (Tariff, item 5.)

6. Attending Supreme Court and general sessions. (Tariff, item 6.)

R.S.O. 1914, c. 96, Schedule "C," "Criers."

## CHAPTER 36.

## An Act to consolidate and amend The Crown Witnesses Act.

*Assented to 8th April, 1926.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**Short title.**      **1.** This Act may be cited as *The Crown Witnesses Act, 1926.*

**Interpre-  
tation.**          **2.** In this Act,—

**"Judge."**                      (a) "Judge" shall mean and include the judge presiding at any sittings of the Supreme Court, the Court of General Sessions of the Peace, the county or district court judge's criminal court, and magistrates presiding in courts for the summary trial of indictable offences under the Criminal Code and a police magistrate or justice of the peace holding a preliminary inquiry. R.S.O. 1914, c. 97, s. 2; 1922, c. 52, s. 2. *Amended.*

**"Trial."**                      (b) "Trial" shall include a preliminary enquiry before a police magistrate or justice of the peace. *New.*

**Compen-  
sation to  
Crown wit-  
nesses in  
certain cases  
for atten-  
dance on  
prosecution  
or trial.**                      **3.**—(1) The judge may grant to any person who attends at the instance of the Crown to give evidence, an order for the payment of such sum as seems reasonable and sufficient to compensate the witness for his costs and charges in attending as such witness; but such sum shall not exceed the amount payable in civil cases in the Supreme Court. R.S.O. 1914, c. 97, s. 3. *Amended.*

**Compen-  
sation to  
witnesses.**                      (2) The judge may include in his order such sum in addition to ordinary witness fees as he may deem reasonable and sufficient to compensate any witness by whom a plan has been prepared or any other article furnished or work done for use at the trial for his costs and charges in preparing such plan or other article or doing such work. 1917, c. 27, s. 24. *Amended.*



(3) A special fee may be paid to an expert witness upon the fiat of the Attorney-General. *New.* Special fee.

4. Where a bill of indictment has not been preferred, or where the trial has not been proceeded with, the judge may make a similar order in favour of any person who, in his opinion, *bona fide* attended the court in obedience to a recognition or subpoena, or at the instance of the Crown. R.S.O. 1914, c. 97, s. 4. *Amended.* Or where no indictment preferred or trial had.

5.—(1) The order shall not be made except on a certificate by the counsel for the Crown, and by the Crown attorney or his representative containing the particulars necessary in the affidavit required in civil cases to entitle a party to disbursements to witnesses, and shall be to the like effect, but the judge may require further evidence. R.S.O. 1914, c. 97, s. 5. *Amended.* Certificate whereon order to be made.

(2) When the Crown attorney is not present at a preliminary inquiry before a police magistrate, or justice of the peace, no certificate shall be necessary. 1922, c. 52, s. 4. When certificate unnecessary.

6. The order shall be prepared by the proper officer of the court and shall be directed to the treasurer of the county in which the offence was committed or was supposed to have been committed; or, if the offence was committed or was supposed to have been committed in a city, or in a town separated for municipal purposes from the county, the order shall be directed to the treasurer of the city or town. R.S.O. 1914, c. 97, s. 6. Order, how made out and to whom directed.

7. The treasurer to whom the order is directed shall forthwith, out of the funds of the municipality in his hands, pay to each of the witnesses named the amount stated in the certificate, on his signing a receipt therefor in person. R.S.O. 1914, c. 97, s. 7. Payment by the treasurer.

8. Where the trial takes place in a county other than the county in which the offence was committed the treasurer of the county in which the trial takes place, if applied to by the witness, shall forthwith pay the money in the first instance out of the funds of the municipality in his hands, and shall forthwith be reimbursed by the treasurer to whom the order is directed. R.S.O. 1914, c. 97, s. 8. Payment by a treasurer on whom order is not made.

9. One-third of the amount paid to witnesses under this Act shall be repaid to the municipality out of the Consolidated Revenue Fund, except as is hereinafter mentioned. R.S.O. 1914, c. 97, s. 9. Re-imburement by Province of one-third.

10. In respect of witnesses in cases sent from the unorganized districts for trial in any county the expenses of the witnesses Idem; in full where witnesses sent from unorganized districts.

witnesses shall be repaid in full out of the Consolidated Revenue Fund. R.S.O. 1914, c. 97, s. 10.

Witness in cases tried in unorganized districts.

**11.** The like fees shall be paid out of the Consolidated Revenue Fund to witnesses attending a sitting of any court held in any unorganized district, and shall be so paid under such regulations as the Lieutenant-Governor in Council may prescribe. R.S.O. 1914, c. 97, s. 11. *Amended.*

On recovery from prosecutor or defendant, the municipality to be repaid.

**12.** Where witness fees paid under the provisions of this Act are, by virtue of the judgment of the court, afterwards recovered from the prosecutor or defendant, the same shall be repaid to the municipality, and one-third accounted for by the municipality to the Crown. R.S.O. 1914, c. 97, s. 12.

Fee to crown attorney in respect of certificate.

**13.** The Crown attorney shall be entitled to receive from the corporation of the county in which the court is held a fee of \$1, in respect of every prosecution or trial on which a witness is examined, which sum shall be over and above his other costs and charges and shall cover the costs, charges and expenses of and incidental to the certificate, or the inquiry whether a certificate should be granted.

Re-imbursement.

(2) One-third of such fee shall be repaid to the corporation out of the Consolidated Revenue Fund. R.S.O. 1914, c. 97, s. 13.

Witness fees payable on prosecution of claims, etc., by His Majesty.

**14.** In the case of an information, action, or other legal proceeding by or on behalf of the Crown, for the prosecution of rights, claims or demands of His Majesty against any person for the use of Ontario, or for the recovery of the possession of any land, deeds or personal property whereto His Majesty claims to be entitled for the use of Ontario, the witnesses shall be entitled to be paid the like witness fees as are payable in actions between subject and subject. R.S.O. 1914, c. 97, s. 14.

Compensation not payable before determination of the case.

**15.** Nothing herein shall entitle a witness to require payment of any sum previous to the determination by adjournment or otherwise at the court of the prosecution or trial at which he attends as a witness. R.S.O. 1914, c. 97, s. 15.

Repeal.

**16.** The following Acts and parts of Acts are repealed:  
R.S.O. 1914, Chapter 97—The whole.  
1917, Chapter 27—Section 24.  
1922, Chapter 52—The whole.

Commencement of Act.

**17.** This Act shall come into force on the day upon which it receives the Royal Assent.

## CHAPTER 37.

## An Act to consolidate and amend The Fines and Forfeitures Act.

*Assented to 8th April, 1926.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**1.** This Act may be cited as *The Fines and Forfeitures Act*, Short title. 1926.

**2.** In this Act "Fine" shall include all pecuniary fines, Fine penalties or forfeitures. *New.*

**3.**—(1) Where a fine is imposed for a contravention of an Act of this Legislature, and no other provision is made for the recovery thereof it shall be recoverable with costs by a civil action at the suit of the Crown or of any person suing as well for the Crown as for himself before any court of competent jurisdiction upon the evidence of one credible witness other than the person interested. R.S.O. 1914, c. 99, s. 2 (1). *Amended.* Recovery of penalties by action.

(2) If no other provision is made and the recovery is at the suit of the Crown the fine shall belong to the Crown, and if at the suit of a private party then one-half shall belong to him and the other half shall belong to the Crown. R.S.O. 1914, c. 99, s. 2 (2). *Amended.* Application of penalty.

(3) Where a fine belongs to the Crown the Lieutenant-Governor in Council may allow any part thereof to any person by whose information or aid it was recovered. R.S.O. 1914, c. 99, s. 2 (3). *Amended.* Allowing part of penalty to informant.

**4.** Where the amount of the fine is in the discretion of the court or judge or in case the court or judge has power to impose imprisonment in addition to or in lieu of the fine and no other mode of recovery is prescribed it may be recovered upon indictment in the Supreme Court or general sessions of the Peace. R.S.O. 1914, c. 99, s. 3. *Amended.* Recovery of penalties by indictment.



To whom  
fine, etc.,  
to be paid.

**5.** Every fine imposed for a contravention of any statute in force in Ontario and the proceeds of every forfeiture imposed and given to the Crown shall, where the disposal thereof is within the power of this Legislature, and except so far as other provision is made in respect thereto, be paid to the Treasurer of Ontario and shall form part of the Consolidated Revenue Fund. R.S.O. 1914, c. 99, s. 5. *Amended.*

Remission  
of penalty by  
court or  
judge.

**6.**—(1) Where a fine is imposed by or under the authority of any Act of this Legislature the court or judge having cognizance of the proceedings for the recovery thereof may at any time after the commencement thereof remit in whole or in part such fine, whether the money is in whole or in part payable to the Crown or to some person other than the Crown and whether the same is recoverable by indictment, information, summary process, action or otherwise. R.S.O. 1914, c. 99, s. 6 (1). *Amended.*

Authority  
not extended  
to justices of  
the peace.

(2) A police magistrate or justice of the peace shall not have the authority herein mentioned. R.S.O. 1914, c. 99, s. 6 (2). *Amended.*

Remission by  
Lieutenant-  
Governor in  
Council.

**7.**—(1) The Lieutenant-Governor in Council may at any time remit any fine, mentioned in the next preceding section in whole or in part unless the same is imposed by *The Legislative Assembly Act*, or by some Act respecting the election of members to the Assembly, or is recoverable in respect of any offence committed in connection with any such election. R.S.O. 1914, c. 99, s. 7 (1). *Amended.*

Relief  
against  
civil con-  
sequences of  
conviction.

(2) Where a fine is remitted the Lieutenant-Governor in Council may also relieve the offender from any other penalty or forfeiture consequent upon his conviction. R.S.O. 1914, c. 99, s. 7 (2). *Amended.*

Costs  
not to be  
remitted.

**8.** Nothing herein contained shall authorize the remitting of costs incurred up to the time of remitting the penalty or forfeiture. R.S.O. 1914, c. 99, s. 8.

Repeal.

**9.** *The Fines and Forfeitures Act*, being chapter 99 of The Revised Statutes of Ontario 1914 is repealed.

Commence-  
ment of  
Act.

**10.** This Act shall come into force on the day upon which it receives the Royal Assent.

## CHAPTER 38.

## An Act to amend The Devolution of Estates Act.

*Assented to 8th April, 1926.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**1.** This Act may be cited as *The Devolution of Estates Act*, Short title.  
1926.

**2.** Subsection 2 of section 27 of *The Devolution of Estates Act* is repealed. Rev. Stat. c. 119, s. 27, subs. 2, repealed.

**3.** Subsections 1 and 2 of section 33 of *The Devolution of Estates Act* are repealed and the following substituted therefor: Rev. Stat. c. 119, s. 33, subs. 1, 2, repealed.

(1).—Rules regulating the practice and procedure to be followed in all proceedings under this Act and a tariff of fees to be allowed and paid to solicitors for services rendered in such proceedings may be made under the provisions of *The Judicature Act*. Rules of procedure.

**4.** This Act shall come into force on the day upon which it receives the Royal Assent. Commencement of Act.

## CHAPTER 39.

## An Act to amend The Wills Act.

*Assented to 8th April, 1926.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.      **1.** This Act may be cited as *The Wills Act, 1926*.

Rev. Stat.,  
c. 120, s. 37  
(1919, c. 25,  
s. 15),  
amended.      **2.** Section 37 of *The Wills Act* as enacted by Section 15 of *The Statute Law Amendment Act, 1919*, is amended by adding the following subsection,—

Application  
of section  
to bequest  
to class.      (2) The provisions of this section shall apply to a devise or a bequest to children or other issue or to brothers or sisters as a class.

Commence-  
ment of  
Act.      **3.** This Act shall come into force on the day upon which it receives the Royal Assent.



## CHAPTER 40.

An Act to consolidate and amend  
The Trustee Act.*Assented to 8th April, 1926.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Trustee Act, 1926*.

Short title.

2. In this Act,—

Interpre-  
tation.

- (a) "Assign" shall mean and include the execution and performance by a person of every necessary or suitable deed or act for assigning, surrendering, or otherwise transferring land of which such person is possessed, either for the whole estate of the person so possessed or for any less estate; and "assignment" shall have a corresponding meaning;

"Assign."

"Assign-  
ment."

- (b) "Contingent right" as applied to land shall mean and include a contingent and executory interest, and a possibility coupled with an interest, whether the object of the gift or limitation of such interest or possibility is or is not ascertained; also a right of entry whether immediate or future, vested or contingent;

"Contingent  
right."

- (c) "Convey" applied to any person, shall mean and include the execution and delivery by such person of every necessary or suitable assurance for conveying or disposing to another land whereof such person is seized, or wherein he is entitled to a contingent right, either for his whole estate or for any less estate, together with the performance of all formalities required by law to the validity of such conveyance; and "conveyance" shall have a corresponding meaning;

"Convey"

"Convey-  
ance."

- (d) "Devisee" shall include the heir of a devisee, and the devisee of an heir, and any person who may claim right by devolution of title of a similar description;

"Devisee."  
Imp. Act, 1889  
56-57 Vict., c.  
53, s. 50,  
part.

(e)

"Instrument."

- (e) "Instrument" shall include a deed, a will and a written document and an Act of this Legislature, but not a judgment or order of a court;

"Land."  
Rev. Stat.  
c. 120, s. 2.

- (f) "Land" shall include messuages, and all other hereditaments, whether corporeal or incorporeal, chattels and other personal property transmissible to heirs, money to be laid out in the purchase of land, and any share of the same hereditaments and properties, or any of them, and any estate of inheritance, or estate for any life or lives, or other estate transmissible to heirs, and any possibility, right or title of entry or action, and any other interest capable of being inherited, whether the same estates, possibilities, rights, titles and interests, or any of them, are in possession, reversion, remainder or contingency;

"Lunatic."

- (g) "Lunatic" shall mean any person who has been declared a lunatic;

"Mortgage."  
"Mortgagee."

Imp. Act,  
13-14 Vict.  
c. 60, s. 2 and  
56-57 Vict.  
c. 53, s. 50.

- (h) "Mortgage" shall be applicable to every estate, interest, or property, in land or personal estate, which is merely a security for money; and "mortgagee" shall have a corresponding meaning and shall include every person deriving title under the original mortgagee;

"Person of  
unsound  
mind."

- (i) "Person of unsound mind" shall mean any person, not an infant, who, not having been declared a lunatic, is incapable, from infirmity of mind, to manage his own affairs;

"Personal  
estate."  
Rev. Stat.  
c. 120, s. 2.

- (j) "Personal Estate" shall include leasehold estates and other chattels real, and also money, shares of Government and other funds, securities for money (not being real estate), debts, choses in action, rights, credits, goods, and all other property, except real estate, which by law devolves upon the executor or administrator, and any share or interest therein;

"Personal  
representative."

- (k) "Personal Representative" shall mean and include an executor, an administrator, and an administrator with the will annexed;

"Possessed."

- (l) "Possessed" shall be applicable to any vested estate less than a life estate, legal or equitable, in possession or in expectancy, in any land;

"Securities."

- (m) "Securities" shall include stocks, funds and shares;

(n)

- (n) "Seized" shall be applicable to any vested interest <sup>"Seized."</sup> for life, or of a greater description, and shall extend to estates, legal and equitable, in possession, or in futurity, in any land;
- (o) "Stock" shall include fully paid up shares, and any <sup>"Stock."</sup> fund, annuity, or security transferable in books kept by any incorporated bank, company or society, or by instrument of transfer, either alone or accompanied by other formalities, and any share or interest therein;
- (p) "Transfer," in relation to stock, shall include the <sup>"Transfer."</sup> performance and execution of every deed, power of attorney, act or thing, on the part of the transferor to effect and complete the title in the transferee;
- (q) "Trust" shall not mean the duties incident to an <sup>"Trust."</sup> estate conveyed by way of mortgage; but, with this exception, shall include implied and constructive trusts and cases where the trustee has some beneficial estate or interest in the subject of the trust, and shall extend to and include the duties incident to the office of personal representative of a deceased person; and "trustee" shall have a corresponding meaning and <sup>"Trustee."</sup> shall include a trustee however appointed and several joint trustees;
- (r) "Will" shall include a testament, and a codicil, and <sup>"Will."</sup> an appointment by will, or by writing in the nature of a will in exercise of a power, and also a disposition by will and testament, or devise of the custody and tuition of any child, by virtue of *The Infants' Act*, and any other testamentary disposition. R.S.O. <sup>Rev. Stat.</sup> 1914, c. 121, s. 2. <sup>c. 153.</sup>

#### RETIREMENT OF TRUSTEES.

3.—(1) Where there are more than two trustees if one <sup>Retirement</sup> of them by deed declares that he is desirous of being dis- <sup>of trustees.</sup> charged from the trust, and if his co-trustees and such other <sup>Imp. Act,</sup> person, if any, as is empowered to appoint trustees, consent <sup>56-57 Vict.</sup> by deed to the discharge of the trustee, and to the vesting <sup>c. 53, s. 11.</sup> in the co-trustees alone of the trust property, then the trustee desirous of being discharged shall be deemed to have retired from the trust, and shall, by the deed, be discharged therefrom under this Act without any new trustee being appointed in his place. R.S.O. 1914, c. 121, s. 3(1).

(2) This section shall not apply to executors or adminis- <sup>Application</sup> trators. R.S.O. 1914, c. 121, s. 3 (3). <sup>of section.</sup>



## APPOINTMENT OF NEW TRUSTEES.

Power of ap-  
pointing new  
trustees.  
Imp. Act.  
56-57 Vict.  
c. 53, s. 10.

4. Where a trustee dies or remains out of Ontario for more than twelve months, or desires to be discharged from all or any of the trusts or powers reposed in or conferred on him, or refuses or is unfit to act therein, or is incapable of acting therein, or has been convicted of an indictable offence or is bankrupt or insolvent, the person nominated for the purpose of appointing new trustees by the instrument, if any, creating the trust, or if there is no such person, or no such person able and willing to act, the surviving or continuing trustees or trustee for the time being, or the personal representatives of the last surviving or continuing trustee, may by writing appoint another person or other persons to be a trustee or trustees in the place of the trustee dying, remaining out of Ontario, desiring to be discharged, refusing or being unfit or incapable. R.S.O. 1914, c. 121, s. 4 (1). *Amended.*

Authority  
of surviving  
trustee to  
appoint  
successor  
by will.

5. Subject to the terms of any instrument creating a trust the sole trustee or the last surviving or continuing trustee appointed for the administration of the trust, may appoint by will another person or other persons to be a trustee or trustees in the place of such sole or surviving or continuing trustee after his death. 1923, c. 25, s. 2. *Amended.*

Power of  
the Court to  
appoint new  
trustees.

Imp. Act.  
56-57 Vict.  
c. 53, s. 25.

6.—(1) The Supreme Court may make an order for the appointment of a new trustee or new trustees, either in substitution for or in addition to any existing trustee or trustees, or although there is no existing trustee. R.S.O. 1914, c. 121, s. 4 (2). *Amended.*

Limitation  
of effect  
of order.

(2) An order under this section and any consequential vesting order or conveyance shall not operate as a discharge from liability for the acts or omissions of the former or continuing trustees. R.S.O. 1914, c. 121, s. 4 (3). *Amended.*

What may  
be done.  
Imp. Act.  
56-57 Vict.  
c. 53, s. 10.

7. On the appointment of a new trustee for the whole or any part of trust property,—

Increase in  
number.

(a) The number of trustees may be increased; and

Separate  
trustees  
for distinct  
trusts.

(b) A separate set of trustees may be appointed for any part of the trust property held on trusts distinct from those relating to any other part or parts of the trust property, notwithstanding that no new trustees or trustee are or is to be appointed for other parts of the trust property, and any existing trustee may be appointed or remain one of such separate set of trustees; or, if only one trustee was originally appointed, then one separate trustee may be so appointed for the first mentioned part; and

(c)

(c) It shall not be obligatory to appoint more than one new trustee where only one trustee was originally appointed or to fill up the original number of trustees where more than two trustees were originally appointed; but, except where only one trustee was originally appointed, a trustee shall not be discharged under this section from his trust unless there will be at least two trustees to perform the trust; and

Where not less than two to be appointed.

(d) Any assurance or thing requisite for vesting the trust property, or any part thereof, in the person who is the trustee, or jointly in the persons who are the trustees, shall be executed or done. R.S.O. 1914, c. 121, s. 4 (5).

Execution and performance of requisite deeds and acts.

8. Every new trustee so appointed, as well before as after all the trust property becomes by law or by assurance or otherwise vested in him, shall have the same powers, authorities and discretions, and may in all respects act as if he had been originally appointed a trustee by the instrument, if any, creating the trust. R.S.O. 1914, c. 121, s. 4 (6).

Powers of new trustee.

9. The provisions of this Act relative to the appointment of new trustees shall apply to the case of a person nominated trustee in a will but dying before the testator. R.S.O. 1914, c. 121, s. 4 (7). *Amended.*

Application of Act.

NOTE.—(*As to appointment of trust company as sole trustee, see The Loan and Trust Corporations Act*).

#### VESTING INSTRUMENTS.

10.—(1) Where an instrument, executed after the 1st day of July, 1886, by which a new trustee is appointed to perform any trust, contains a declaration by the appointor to the effect that any estate or interest in any land subject to the trust, or in any personal estate so subject, shall vest in the person or persons who, by virtue of such instrument, shall become and be the trustee or trustees for performing the trust, that declaration shall, without any conveyance or assignment, operate to vest in him, or in them as joint tenants, and for the purposes of the trust, that estate, interest or right.

Vesting of trust property in new or continuing trustees without conveyance.  
Imp. Act, 56-57 Vict. c. 53, s. 12.

(2) Where such an instrument, by which a retiring trustee is discharged under this Act, contains such a declaration as is in this section mentioned by the retiring and continuing trustees, and by the other person, if any, empowered to appoint trustees, that declaration shall, without any conveyance or assignment; operate to vest in the continuing

On retirement of a trustee.

Application  
to  
mortgages,  
stocks,  
shares, etc.

trustees alone as joint tenants, and for the purposes of the trust, the estate, interest, or right to which the declaration relates.

See 56 & 57  
Vict. Imp. o.  
53, s. 12 (3).

Interpreta-  
tion for  
registration  
purposes.

(3) This section shall not extend to land conveyed by way of mortgage for securing money subject to the trust, or to any share, stock, annuity, or property transferable only in books kept by a company or other body, or in manner prescribed by or under an Act of Parliament or of this Legislature.

Vesting  
orders as to  
land, where  
Court may  
make.

(4) For the purpose of registration the person or persons making the declaration shall be deemed the conveying party or parties, and the conveyance shall be deemed to be made by him or them under a power conferred by this Act. R.S.O. 1914, c. 121, s. 5.

Imp. Act,  
56-57 Vict.  
c. 53, s. 26.

#### VESTING ORDERS, AND ORDERS RELEASING CONTINGENT RIGHTS, AS TO LAND.

#### 11.—(1) In any of the following cases,—

- (a) Where the Supreme Court appoints or has appointed a new trustee; or
- (b) Where a trustee entitled to or possessed of any land, or entitled to a contingent right therein, either solely or jointly with any other person is an infant, or is out of Ontario, or cannot be found; or
- (c) Where it is uncertain who was the survivor of two or more trustees jointly entitled to or possessed of any land; or
- (d) Where it is uncertain whether the last trustee known to have been entitled to or possessed of any land is living or dead; or
- (e) Where there is no heir or personal representative of a trustee who was entitled to or possessed of land and has died intestate as to that land, or where it is uncertain who is the heir or personal representative or devisee of a trustee who was entitled to or possessed of land and is dead; or
- (f) Where a trustee jointly or solely entitled to or possessed of any land, or entitled to a contingent right therein, has been required by or on behalf of a person entitled to require a conveyance of the land or a release of the right, to convey the land or to release the right, and has wilfully refused or



neglected to convey the land or release the right for fourteen days after the date of the requirement;

the Supreme Court may make an order, vesting the land in any such person in any such manner, and for any such estate, as the Court may direct, or releasing, or disposing of the contingent right to such person as the Court may direct. R.S.O. 1914, c. 121, s. 6 (1). *Amended.*

(2) Where the order is consequential on the appointment of a new trustee the land shall be vested, for such estate as the Court may direct, in the persons who, on the appointment, are the trustees. Vesting of estate.

(3) Where the order relates to a trustee entitled jointly with another person, and such trustee is out of Ontario or cannot be found, the land or right shall be vested in such other person, either alone or with some other person. R.S.O. 1914, c. 121, s. 6 (2, 3). Where trustee out of Ontario.

[For provisions as to lunatic trustee or mortgagee, see *The Lunacy Act, Rev. Stat. c. 68, s. 26.*]

**12.** Where any land is subject to a contingent right in an unborn person, or a class of unborn persons, who, on coming into existence, would, in respect thereof, become entitled to or possessed of the land on any trust, the Supreme Court may make an order releasing the land from the contingent right, or may make an order vesting in any person the estate to or of which the unborn person, or class of unborn persons, would, on coming into existence, be entitled or possessed in the land. R.S.O. 1914, c. 121, s. 7. Orders as to contingent rights of unborn persons.  
Imp. Act, 56-57 Vict. c. 53, s. 27.

**13.** Where any person entitled to or possessed of land, or entitled to any contingent right in land, by way of security for money, is an infant, the Supreme Court may make an order vesting or releasing or disposing of the land or right in like manner as in the case of an infant trustee. R.S.O. 1914, c. 121, s. 8. Vesting order in place of conveyance by infant mortgagee.  
Imp. Act, 56-57 Vict. c. 53, s. 28.

#### VESTING ORDERS, AND ORDERS RELEASING CONTINGENT RIGHTS, AS TO STOCKS, AND CHOSSES IN ACTION.

**14.—(1)** In any of the following cases,—

(a) where the Supreme Court appoints, or has appointed, a new trustee; or

(b) where a trustee entitled alone, or jointly with another person, to stock, or to a chose in action:

Vesting orders as to stock and choses in action, when court may make.

Imp. Act, 56-57 Vict. c. 53, s. 35.

- (i) is an infant, or
- (ii) is out of Ontario, or
- (iii) cannot be found, or
- (iv) neglects or refuses to transfer stock, or receive the dividends or income thereof, or to sue for, or recover, a chose in action, according to the direction of the person absolutely entitled thereto, for fourteen days next after a request in writing has been made to him by the person so entitled, or
- (v) neglects or refuses to transfer stock, or receive the dividends or income thereof, or to sue for, or recover a chose in action for fourteen days next after an order of the Supreme Court for that purpose has been served on him; or
- (c) where it is uncertain whether a trustee entitled alone, or jointly with another person to stock, or to a chose in action is alive or dead,

the Supreme Court may make an order vesting the right to transfer, or call for a transfer of stock, or to receive the dividends or income thereof, or to sue for, or recover a chose in action, in any such person as the Court may appoint.

(2) Where the order is consequential on the appointment by the Court of a new trustee, the right shall be vested in the persons who, on the appointment, are the trustees.

(3) Where the person whose right is dealt with by the order was entitled jointly with another person, the right shall be vested in that last mentioned person either alone, or jointly with any other person whom the Court may appoint.

Appoint-  
ment of  
person to  
transfer.

(4) Where a vesting order may be made under this section the Court may, if it is more convenient, appoint some proper person to make, or join in making, the transfer.

Transfer,  
how to be  
made.

(5) The person in whom the right to transfer or call for the transfer of any stock is vested by an order of the Court under this Act may transfer the stock to himself, or any other person, according to the order, and all incorporated banks and all companies shall obey every order made under this section.

After notice  
of order, no  
transfer to  
be made  
contrary  
thereto.

(6) After notice in writing of an order under this section it shall not be lawful for any incorporated bank or any company to transfer any stock to which the order relates, or to

pay any dividends thereon except in accordance with the order.

(7) The Supreme Court may make declarations and give directions concerning the manner in which the right to any stock, or chose in action, vested under the provisions of this Act, is to be exercised. Court may make declaration.

(8) The provisions of this Act as to vesting orders shall apply to shares in ships registered under the Acts relating to merchant shipping as if they were stock. R.S.O. 1914, c. 121, s. 15. Ships, shares in. Imp. Act, 56-57 Vict. c. 53, s. 35.

[For provisions as to lunatic trustee or mortgagee, see The Lunacy Act, Rev. Stat. c. 68, s. 27.]

#### TRUSTEES FOR CHARITIES.

**15.** The Supreme Court may exercise the powers herein conferred for the purpose of vesting any land or personal estate in the trustee of any charity or society over which the Court would have jurisdiction upon action duly instituted. R.S.O. 1914, c. 121, s. 17. Exercise of powers in favour of charities, etc. Imp. Act, 56-57 Vict. c. 53, s. 39.

**16.**—(1) Where land is held by trustees for a charitable purpose and it is made to appear that the land can be no longer advantageously used for such charitable purpose or that for any other reason the land ought to be sold, a judge of the Supreme Court may make an order authorizing the sale thereof and may give such directions in relation thereto and for securing the due investment and application of the money arising from the sale as may be deemed proper. R.S.O. 1914, c. 121, s. 18 (1). Power to order a sale in proper cases.

(2) No such order shall be made unless and until notice of the application has been given to the Public Trustee. R.S.O. 1914, c. 121, s. 18 (2); 1921, c. 47, s. 7. Notice to Public Trustee.

#### WHO MAY APPLY.

**17.**—(1) An order under this Act for the appointment of a new trustee, or concerning any land or personal estate, subject to a trust, may be made upon the application of any person beneficially interested therein, whether under disability or not, or upon the application of any person duly appointed as a trustee thereof. Who may apply for appointment of new trustee, or vesting order, etc. Imp. Act, 13 and 14 Vict. c. 60, ss. 37, 40 and 41.

(2) An order concerning any land or personal estate, subject to a mortgage, may be made on the application of any person beneficially interested in the equity of redemption, In case of mortgaged property.

whether



whether under disability or not, or of any person interested in the moneys secured by the mortgage. R.S.O. 1914, c. 121, s. 19 (1, 2).

#### CERTAIN POWERS AND RIGHTS OF TRUSTEES.

##### *Purchase and Sale.*

Power and discretion of trustee for sale.  
Rev. Stat. c. 119.  
Imp. Act, 56-57 Vict. c. 53, s. 13, part.

**18.** Subject to the provisions of *The Devolution of Estates Act* where a trust for sale or a power of sale of land or personal estate is vested in a trustee he may sell or concur with any other person in selling all or any part of the property, either subject to prior charges or not, and either together or in lots, by public auction or by private contract subject to such conditions respecting title or evidence of title or other matter as the trustee thinks fit, with power to vary any contract for sale, and to buy in at any auction, or to rescind any contract for sale and to re-sell, without being answerable for any loss. R.S.O. 1914, c. 121, s. 20.

Sales by trustees not impeachable on certain grounds.  
Imp. Act, 56-57 Vict. c. 53, s. 14.

**19.**—(1) A sale made by a trustee shall not be impeached by any beneficiary upon the ground that any of the conditions subject to which the sale was made were unnecessarily depreciatory, unless it also appears that the consideration for the sale was thereby rendered inadequate. R.S.O. 1914, c. 121, s. 21 (1). *Amended.*

Collusion between purchaser and trustee.

(2) Such sale shall not, after the execution of the conveyance, be impeached as against the purchaser upon the ground that any of the conditions subject to which the sale was made were unnecessarily depreciatory, unless it appears that the purchaser was acting in collusion with the trustee at the time when the contract for the sale was made. R. S.O. 1914, c. 121, s. 21 (2). *Amended.*

##### *Dedication or Sale for Highway Purposes.*

Dedication or sale of land by trustee for municipal highway.

**20.** With the approval of the Ontario Railway and Municipal Board or of a judge of the Supreme Court, a person who holds land or a charge or claim against it or has control of the legal title, upon any trust or for a specified or particular purpose, may, to the extent of his estate or interest, dedicate or sell, or join in dedicating or selling, to the corporation of the municipality within which it is situate, any portion of the land required by the corporation for the work of establishing, extending, widening or diverting a street, and the Board or the judge may approve thereof if it appears that it will not have the effect of defeating or seriously affecting the substantial objects or intent of the trust or purpose; provided that the approval shall not be necessary if such dedication or

sale is otherwise within such person's powers. 1921, c. 48, s. 1. *Amended.*

### *Agents.*

**21.**—(1) A trustee may appoint a solicitor to be his agent to receive and give a discharge for any money or valuable consideration or property receivable by the trustee under the trust. Power to authorize receipt of money by solicitor.

(2) A trustee may appoint a manager or a branch manager of a chartered bank or solicitor to be his agent to receive and give a discharge for any money payable to the trustee under or by virtue of a policy of assurance or otherwise. Or banker. Imp. Act, 56-57 Vict. c. 53, s. 17.

(3) A trustee shall not be charged with a breach of trust by reason only of his having made or concurred in making any such appointment. Appointment not a breach of trust.

(4) Nothing in this section shall exempt a trustee from any liability which he would have incurred if this Act had not been passed, in case he permits any such money, valuable consideration, or property to remain in the hands or under the control of the banker or solicitor for a period longer than is reasonably necessary to enable the banker or solicitor to pay or transfer the same to the trustee. R.S.O. 1914, c. 121, s. 22 (1-4). Liability of trustee, in certain cases, not affected.

### *Insurance.*

**22.**—(1) A trustee may insure against loss or damage by fire, tempest or other casualty any building or other insurable property to any amount, including the amount of any insurance already on foot, not exceeding three-fourths of the value of such building or property, and pay the premiums for such insurance out of the income thereof or out of the income of any other property subject to the same trusts, without obtaining the consent of any person who may be entitled wholly or partly to such income. Power to insure buildings. Imp. Act, 56-57 Vict. c. 53, s. 18.

(2) This section does not apply to any building or property which a trustee is bound forthwith to convey absolutely to any beneficiary upon being requested to do so. R.S.O. 1914, c. 121, s. 23. Application.

### *Renewals of Leases.*

**23.**—(1) A trustee of any leaseholds for lives or years which are renewable from time to time may, if he thinks fit, and shall, if thereto required by any person having any beneficial interest, present or future or contingent, in the Power of trustees of renewable leaseholds to renew.

leaseholds

Imp. Act,  
56 and 57  
Vict., c. 53,  
s. 19.

leaseholds, use his best endeavours to obtain from time to time a renewed lease of the same land on reasonable terms, and for that purpose may from time to time make or concur in making a surrender of the lease for the time being subsisting, and do all such other acts as are requisite; but where, by the terms of the settlement or will, the person in possession for his life or other limited interest is entitled to enjoy the same without any obligation to renew or to contribute to the expense of renewal, this section shall not apply unless the consent in writing of that person is obtained to the renewal on the part of the trustee.

And to  
raise money  
for the  
purpose.

(2) If money is required to pay for the renewal the trustee effecting the renewal may pay the same out of any money then in his hands in trust for the persons beneficially interested in the land to be comprised in the renewed lease, and if he has not in his hands sufficient money for the purpose he may raise the money required by mortgage of the land to be comprised in the renewed lease, or of any other land for the time being subject to the uses or trusts to which that land is subject, and no person advancing money upon a mortgage purporting to be made under this power shall be bound to see that the money is wanted, or that no more is raised than is wanted for the purpose or to see to the due application of the money. R.S.O. 1914, c. 121, s. 24.

### *Passing of Accounts.*

When  
trustee may  
file accounts.

**24.**—(1) A trustee desiring to pass the accounts of his dealings with the trust estate may file his accounts in the office of the surrogate court of a county or district in which he or a co-trustee is resident or in which any part of the trust estate is situate, and the proceedings and practice upon the passing of such accounts shall be the same and have the like effect as the passing of executors' or administrators' accounts in the surrogate court; but in the case of trustees under a will the accounts shall be filed and passed in the office of the surrogate court by which probate of the will was granted. R.S.O. 1914, c. 121, s. 25.

Fixing com-  
pensation  
of trustee.

(2) Where the compensation payable to a trustee has not been fixed by the instrument creating the trust or otherwise, the judge of the surrogate court upon the passing of the accounts of the trustee shall have power to fix the amount of compensation payable to the trustee and the trustee shall thereupon be entitled to retain out of any moneys in his hands the amount so determined. 1925, c. 38, s. 2.



*Receipts.*

**25.** The payment of any money to and the receipt thereof by any person to whom the same is payable upon any trust, or for any limited purpose, and such payment to and receipt by the survivor or survivors of two or more mortgagees or holders or the executors or administrators of such survivor or their or his assigns, shall effectually discharge the person paying the same from seeing to the application or being answerable for the misapplication thereof. R.S.O. 1914, c. 121, s. 26. [See also *The Mortgages Act*, Rev. Stat. c. 112, s. 10.]

Receipts of trustees to be effectual discharges.

*Surviving Trustee.*

**26.** Where a power or trust is given to or vested in two or more trustees jointly it may be exercised or performed by the survivor or survivors of them for the time being. R.S.O. 1914, c. 121, s. 27. *Amended.*

Powers of two or more trustees.

Imp. Act, 56 and 57, Viot., c. 53 s. 22.

## INVESTMENTS.

**27.**—(1) A trustee having money in his hands which it is his duty, or which it is in his discretion to invest at interest, may invest the same in the debentures, bonds, stock or other securities of, or guaranteed by, the Government of the Dominion of Canada, or of or guaranteed by any Province of Canada, or of the Government of the United Kingdom, or of any municipal corporation in Canada, including debentures issued for public school purposes or guaranteed by any municipal corporation in Ontario, or secured by or payable out of rates or taxes levied under the law of any Province of Canada on property situated in such Province and collectable by or through the municipality in which such property is situated, in the same manner and with the same rights of enforcing payment, as in the case of general municipal taxes in such municipality, or in securities which are a first charge on land held in fee simple in Ontario, Manitoba, Saskatchewan, Alberta or British Columbia, provided such investments are in other respects reasonable and proper, or he may entrust the same to a trust company incorporated or licensed under the laws of Ontario for guaranteed investment as set out in *The Loan and Trust Corporations Act*, provided that in the case of a company licensed under the law of Ontario it has been approved by the Lieutenant-Governor in Council. 1919, c. 31, s. 2; 1921, c. 48, s. 2.

Power to invest trust moneys in certain securities.

(2) Subject to the proviso in subsection 1 any money already invested in any such stock, debentures or securities shall be deemed to have been lawfully and properly invested.

Existing investments legalized.

R.S.O. 1914, c. 121, s. 28 (2). [See also *The Loan and Trust Corporations Act, Rev. Stat. c. 184, s. 18 (f).*]

Investment  
of trust  
funds.

**28.**—(1) A trustee may deposit money with any of the societies or companies hereinafter mentioned, or may invest any money which it is his duty, or which it is in his discretion, to invest at interest, in terminable debentures or debenture stock of any such society or company, provided that such deposit or investment is in other respects reasonable and proper, and that the debentures are registered, and are transferable only on the books of the society or company in his name as trustee for the particular trust estate for which they are held, and that the deposit account in the society's or company's ledger is in the name of the trustee for the particular trust estate for which it is held and the deposit receipt or pass book is not transferable by endorsement or otherwise:

In companies  
authorized  
to lend  
money upon  
mortgages  
on real estate  
under certain  
conditions.

(a) Any incorporated society or company authorized to lend money upon mortgages on real estate, or for that purpose and other purposes, having a capitalized, fixed, paid up and permanent stock not liable to be withdrawn therefrom of not less than \$400,000, and a reserve fund of not less than twenty-five per centum of its paid up capital, and the stock of which has a market value of not less than seven per centum premium; or

In certain  
other  
companies.

(b) Any society or company heretofore incorporated under Chapter 164 of the Revised Statutes of Ontario, 1877, or any Act incorporated therewith, or under Chapter 169 of the Revised Statutes of Ontario, 1887, having a capitalized, fixed, paid up, and permanent stock not liable to be withdrawn therefrom of not less than \$200,000, and a reserve fund of not less than fifteen per centum of its paid up capital, and the stock of which has a market value of not less than seven per centum premium. R.S.O. 1914, c. 121, s. 29 (1).

What  
approval  
necessary.

(2) Clauses *a* and *b* shall not apply to any society or company which has not the approval of the Lieutenant-Governor in Council as one coming within the provisions of that clause, and as one in the debentures or debenture stock of which trustees may invest or with which they may deposit money. R.S.O. 1914, c. 121, s. 29 (2). *Amended.*

Restriction.

(3) Such approval shall not be given with respect to any society or company which does not appear to have kept strictly within its legal powers as to borrowing and investing.

(4) An Order in Council made under the authority of subsection 2 may at any time be revoked. R.S.O. 1914, c. 121, s. 29 (3, 4). Revocation of Order in Council.

**29.** A trustee may from time to time vary or transpose any securities in which money in his hands is invested, whether under the authority of this Act or otherwise, into or for any other securities of any nature authorized by this Act. R.S.O. 1914, c. 121, s. 30. Power to vary or transpose securities.

**30.** A trustee lending money upon the security of any property upon which he may lawfully lend shall not be chargeable with breach of trust by reason only of the proportion borne by the amount of the loan to the value of the property at the time when the loan was made, if it appears to the court that in making the loan the trustee was acting upon a report as to the value of the property made by a person whom the trustee reasonably believed to be a competent valuator, instructed and employed independently of any owner of the property, whether such valuator carried on business in the locality where the property is situate or elsewhere, and that the amount of the loan does not exceed one-half of the value of the property as stated in the report and that it was made under the advice of the valuator expressed in the report. R.S.O. 1914, c. 121, s. 31. When trustee not chargeable for lending on insufficient security. Imp. Act, 51-52 Vict. c. 59, s. 4.

**31.** Where a trustee has improperly advanced money on a mortgage security which would, at the time of the investment, have been a proper investment in all respects for a less sum than was actually advanced the security shall be deemed an authorized investment for such less sum, and the trustee shall only be liable to make good the sum advanced in excess thereof with interest. R.S.O. 1914, c. 121, s. 32. Trustee lending more than authorized amount. Imp. Act, 57-58 Vict. c. 53, s. 9.

**32.** A trustee shall not be chargeable with breach of trust by reason only of his continuing to hold an investment which has ceased to be an investment authorized by the instrument of trust or by the general law. R.S.O. 1914, c. 121, s. 34. Liability in case of change of character of investment.  
*Amended.* Imp. Act, 57-58 Vict. c. 10, s. 4.

#### PROTECTION AND INDEMNITY.

**33.** A trustee shall be chargeable only for money and securities actually received by him, notwithstanding his signing any receipt for the sake of conformity, and shall be answerable and accountable only for his own acts, receipts, neglects or defaults, and not for those of any other trustee, nor for any banker, broker or other person with whom any trust money or securities may be deposited, nor for the insufficiency or deficiency of any securities, nor for any

other



other loss, unless the same happens through his own wilful default; and may reimburse himself or pay or discharge out of the trust property all expenses incurred in or about the execution of his trust or powers. R.S.O. 1914, c. 121, s. 35.

Trustees committing breach of trust at instigation of beneficiary. Imp. Act, 56-57 Vict. c. 53, s. 45.

**34.**—(1) Where a trustee commits a breach of trust, at the instigation or request or with the consent in writing of a beneficiary, the Supreme Court may make such order as to the Court seems just for impounding all or any part of the interest of the beneficiary in the trust estate by way of indemnity to the trustee or person claiming through him.

Application to separate estate of married women.

(2) This section shall apply notwithstanding that the beneficiary is a married woman entitled for her separate use and restrained from anticipation. R.S.O. 1914, c. 121, s. 36.

#### TECHNICAL BREACHES OF TRUST.

Relief of trustees committing technical breach of trust.

Imp. Act, 59-60 Vict. c. 35, s. 3.

**35.** If in any proceeding affecting a trustee or trust property it appears to the court that a trustee, or that any person who may be held to be fiduciarily responsible as a trustee, is or may be personally liable for any breach of trust whenever the transaction alleged or found to be a breach of trust occurred, but has acted honestly and reasonably, and ought fairly to be excused for the breach of trust, and for omitting to obtain the directions of the court in the matter in which he committed such breach, the court may relieve the trustee either wholly or partly from personal liability for the same. R.S.O. 1914, c. 121, s. 37.

[As to limitation of actions against trustees, see *The Limitations Act, Rev. Stat. c. 75, ss. 46-48.*]

#### PAYMENT INTO COURT.

Payment into court by trustees of trust funds or securities by order of Supreme Court.

Imp. Act, 56-57 Vict. c. 53, s. 42.

**36.**—(1) Where any money belonging to a trust is in the hands or under the control of or is vested in a sole trustee or several trustees, and it is the desire of such trustee, or of the majority of such trustees, to pay the money into court, the Supreme Court may order the payment into court to be made by the sole trustee, or by the majority of the trustees, without the concurrence of the other or others if such concurrence cannot be obtained. R.S.O. 1914, c. 121, s. 38 (1). *Amended.*

Payment or delivery to accountant of Supreme Court.

(2) Where any such money is deposited with a banker or broker or other depository the court may order payment thereof to the accountant of the Supreme Court, and payment, made in pursuance of such order, shall be valid and take effect as if the same had been made on the authority,

or by the act, of all the persons entitled to the money paid.  
R.S.O. 1914, c. 121, s. 38 (5). *Amended.*

(3) Any person with whom trust money has been deposited or to whose hands trust money has come, where the trustee has been absent from Ontario for a year and is not likely to return at an early date, or in the event of the trustee's death, or where the trustee in Ontario cannot give an acquittance of the money, may make an application similar to that authorized by subsection 1. R.S.O. 1914, c. 121, s. 38 (6). *Amended.*

Imp. Act, 56-57 Vict. c. 53, s. 42.  
Payment into court by persons holding trust moneys for trustee.

(4) Where, on the passing of the final accounts of a personal representative, guardian or trustee by the judge of a surrogate court, there is found to be in the hands of such personal representative, guardian or trustee any money belonging to an infant, or to a lunatic or person of unsound mind, or to a person whose address is unknown, it shall be the duty of such personal representative, guardian or trustee to pay the money into the Supreme Court to the credit of the person who is entitled to it.

Money found to be due infant, etc., on final passing of accounts in Surrogate Court to be paid into Court.

(5) A certified copy of the order or report of the judge shall be left with the accountant when the money is paid in, and the person paying it in shall be entitled to deduct \$5 for his costs. R.S.O. 1914, c. 121, s. 38 (2, 3).

Accountant to be furnished with copy of order, etc.

(6) Where an infant, lunatic or person of unsound mind is entitled to any money, the person by whom such money is payable may pay the same into the Supreme Court to the credit of such infant, lunatic or person of unsound mind and this shall be a sufficient discharge for the money so paid into court. R.S.O. 1914, c. 121, s. 38 (7, 8). *Amended.*

Moneys charged on land, stock, etc., to which infant, or lunatic, entitled.

(7) Where a trustee desires to be relieved from his trust the court may order all securities held for the trust to be transferred to the Public Trustee. *New.*

Imp. Act, 13 and 14 Vict., c. 60, s. 48.  
Transfer of trust.

(8) Money paid into court shall be subject to the order of the court. R.S.O. 1914, c. 121, s. 38 (9). *Amended.*

Disposition.

#### PERSONAL REPRESENTATIVES AND DEVISEES IN TRUST.

##### *Removal of Personal Representatives.*

**37.**—(1) The Supreme Court may remove a personal representative upon any ground upon which such Court may remove any other trustee, and may appoint some other proper person or persons to act in the place of the executor or administrator so removed.

Power of Court to remove.

Security by  
person  
appointed.  
Rev. Stat.  
c. 62.

(2) Any person so appointed shall, unless the Court otherwise orders, give such security as he would be required to give if letters of administration were granted to him under *The Surrogate Courts Act*.

Who may  
apply.

(3) The order may be made upon the application of any executor or administrator desiring to be relieved from the duties of the office, or of any executor or administrator complaining of the conduct of a co-executor or co-administrator, or of any person interested in the estate of the deceased.

Procedure.  
Rev. Stat.  
c. 56.

(4) Subject to any rules to be made under *The Judicature Act* the practice in force for the removal of any other trustee shall be applicable to proceedings to be taken in the Supreme Court under this section.

When new  
appointment  
unnecessary.

(5) Where the executor or administrator removed is not a sole executor or administrator the Court need not, unless it sees fit, appoint any person to act in the room of the person removed, and if no such appointment is made the rights and estate of the executor or administrator removed shall pass to the remaining executor or administrator as if the person so removed had died.

Chain of  
representa-  
tion.

(6) The executor of any person appointed an executor under this section shall not by virtue of such executorship be an executor of the estate of which his testator was appointed executor under this section, whether such person acted alone or was the last survivor of several executors.

Copy of  
order to be  
filed with  
surrogate  
clerk.

(7) A certified copy of the order of removal shall be filed with the surrogate clerk, and another copy with the registrar of the surrogate court by which probate or administration was granted, and such officers shall, at or upon the entry of the grant in the registers of their respective offices, make in red ink a short note giving the date and effect of the order, and shall also make a reference thereto in the index of the register at the place where such grant is indexed.

Endorse-  
ment.

(8) The date of the grant shall be endorsed on the copy of the order filed with the surrogate clerk. R.S.O. 1914, c. 121, s. 40.

Jurisdiction  
of Surrogate  
Court.

(9) Where the estate is less than \$1,000, the jurisdiction conferred by this section may be exercised by the surrogate court. (*See section 6 of The Surrogate Courts Act, amended.*) *New.*

#### RIGHTS AND LIABILITIES OF PERSONAL REPRESENTATIVES

Actions by  
executors  
and  
administra-  
tors for  
torts.

**38.**—(1) Except in cases of libel and slander, the executor or administrator of any deceased person may maintain an

action



action for all torts or injuries to the person or to the property of the deceased in the same manner and with the same rights and remedies as the deceased would, if living, have been entitled to do; and the damages when recovered shall form part of the personal estate of the deceased.

(2) Except in cases of libel and slander, if a deceased person committed a wrong to another in respect of his person or property, the person wronged may maintain an action against the executor or administrator of the person who committed the wrong.

Actions against executors and administrators for torts.

(3) An action under this section shall not be brought after the expiration of one year from the death of the deceased.

Limitations of actions.

R.S.O. 1914, c. 121, s. 41.

[As to actions and distress for rent by personal representatives see *The Landlord and Tenant Act*, Rev. Stat. c. 155, s. 59, and as to liability of personal representatives of a deceased joint contractor see *The Mercantile Law Amendment Act*, Rev. Stat. c. 133, s. 5.]

39. A personal representative shall have an action of account as the testator or intestate might have had if he had lived. R.S.O. 1914, c. 121, s. 42.

Action of account. 13 Edw. I (St. 1 Westminster) c. 23.

[As to assignment and discharge of mortgages by executors, etc., see *The Mortgages Act*, Rev. Stat. c. 112, s. 10.]

40. An administrator with the will annexed or an executor to whom probate is granted shall have all the power conferred by the testator upon the executor named in his will and may in all respects act as effectually as though he alone had been named by the testator as his sole executor. See R.S.O. 1914, c. 121, s. 43.

Powers of executor to whom probate granted.

### *Execution of Powers.*

41. Where there is in a will a direction, express or implied, to sell, dispose of, appoint, mortgage, incur or lease any land, and no person is by the will or otherwise by the testator appointed to execute and carry the same into effect the executor, if any, named in such will may execute and carry into effect every such direction in respect of such land, and any estate or interest therein in the same manner and with the same effect as if he had been appointed by the testator for that purpose. R.S.O. 1914, c. 121, s. 44.

Who may execute direction to sell, etc., where no other person is appointed.

42. Where from any cause a court of competent jurisdiction has committed to a person, who has given security to the

Idem.

satisfaction

Or when no one named in the will to execute powers of sale, etc.

satisfaction of such court for his dealing with such land and its proceeds, letters of administration with a will annexed which contains an express or implied power to sell, dispose of, appoint, mortgage, incumber or lease any land, whether such power is conferred on an executor named in the will or the testator has not by the will or otherwise appointed a person to execute it, the administrator may exercise the power in respect of such land in the same manner and with the same effect as if he had been appointed by the testator for that purpose. R.S.O. 1914, c. 121, s. 45.

### *Contract of Deceased.*

Conveyance by personal representative in pursuance of a contract by deceased.

**43.** Where any person has entered into a contract in writing for the sale and conveyance of land, and such person has died intestate, or without providing by will for the conveyance of such land to the person entitled or to become entitled to such conveyance, if the deceased would be bound, were he alive, to execute a conveyance, his personal representative shall make and give to the person entitled to the same a good and sufficient conveyance of such land, of such nature as the deceased, if living, would be liable to give, but without covenants, except as against the acts of the grantor; and the conveyance shall be as valid and effectual as if the deceased were alive at the time of the making thereof, and had executed the same, but shall not have any further validity or effect. R.S.O. 1914, c. 121, s. 46.

### *Devises in Trust.*

Power to raise money by sale or mortgage to satisfy charges—notwithstanding want of express power in the will.  
Imp. Act, 22-23 Vict. c. 35, s. 14.

**44.**—(1) Where, by any will coming into operation after the 18th day of September, 1865, a testator charges his land, or any specific part thereof, with the payment of his debts or with the payment of any legacy or other specific sum of money, and devises the land so charged to his executors or to a trustee without any express provision for the raising of such debt, legacy or sum of money out of such land, the devisee may raise such debt, legacy or money by a sale of such land or any part thereof, or by a mortgage of the same. R.S.O. 1914, c. 121, s. 47 (1). *Amended.*

Purchaser's position.  
Imp. Act, 22-23 Vict. c. 35, s. 17.

(2) Purchasers or mortgagees shall not be bound to inquire whether the powers conferred by this section, or any of them, have been duly and correctly exercised by the person acting in virtue thereof. R.S.O. 1914, c. 121, s. 47 (5).

Duties and liabilities of an executor and administrator acting under the powers in this Act.

**45.** Every personal representative, as respects the additional powers vested in him by this Act, and any money or assets by him received in consequence of the exercise of such powers, shall be subject to all the liabilities, and compellable to discharge all the duties which, as respects the acts to be

done by him under such powers, would have been imposed upon a person appointed by the testator, or would have been imposed by law upon any person appointed by law, or by any court of competent jurisdiction to execute such power. R.S.O. 1914, c. 121, s. 48.

**46.** Where there are several personal representatives, and one or more of them shall die, the powers conferred upon them shall vest in the survivor or survivors, unless there is some provision to the contrary in the will. R.S.O. 1914, c. 121, s. 49. *Amended.* **Survivorship.**

#### EFFECT OF REVOCATION OF AN ERRONEOUS GRANT.

**47.**—(1) Where a court of competent jurisdiction has admitted a will to probate, or has appointed an administrator, notwithstanding that the grant of probate or the appointment may be subsequently revoked as having been erroneously made, all acts done under the authority of such probate or appointment, including all payments made in good faith to or by the personal representative, shall be as valid and effectual as if the same had been rightly granted or made; but upon revocation of the probate or appointment, in cases of an erroneous presumption of death, the supposed decedent, and in other cases the new personal representative may, subject to the provisions of subsections 2 and 3, recover from the person who acted under the revoked grant or appointment any part of the estate remaining in his hands undistributed and, subject to *The Limitations Act*, from any person who erroneously received any part of the estate as a devisee, legatee or one of the next of kin, or as a husband or wife of the decedent or supposed decedent, the part so received or the value thereof. **Validity of acts done prior to revocation of erroneous grant.**

**Recovery of property.**

**Rev. Stat. c. 75.**

(2) The person acting under the revoked probate or appointment may retain out of any part of the estate remaining in his hands undistributed his proper costs and expenses incurred in the administration. **Expenses.**

(3) Nothing in this section shall protect any person acting as personal representative where he has been party or privy to any fraud whereby the grant or appointment has been obtained, or after he has become aware of any fact by reason of which revocation thereof is ordered unless, in the latter case, he acts in pursuance of a contract for valuable consideration and otherwise binding made before he became aware of such fact. R.S.O. 1914, c. 121, s. 50. **Fraud.**



## ADMINISTRATION OF ESTATES.

Power to pay  
debts.

**48.**—(1) A personal representative may pay or allow any debt or claim on any evidence that he thinks sufficient.

To compound, etc.

(2) A personal representative, or two or more trustees acting together, or a sole acting trustee, where, by the instrument, if any, creating the trust, a sole trustee is authorized to execute the trusts and powers thereof may, if and as he or they may think fit, accept any composition or any security, real or personal, for any debt or for any property, real or personal, claimed, and may allow any time for payment for any debt, and may compromise, compound, abandon, submit to arbitration or otherwise settle any debt, account, claim or thing whatever relating to the testator's or intestate's estate or to the trust, and for any of these purposes may enter into, give, execute, and do such agreements, instruments of composition or arrangement, releases, and other things as to him or them seem expedient without being responsible for any loss occasioned by any act or thing done by him or them in good faith. R.S.O. 1914, c. 121, s. 52.

Imp. Act,  
56-57 Vict.  
c. 59, s. 21.

NOTE.—As to contested claims, see *Surrogate Courts Act*.

In case of  
deficiency  
of assets,  
debts to rank  
*pari passu*.

**49.** On the administration of the estate of a deceased person, in the case of a deficiency of assets, debts due to the Crown and to the personal representative of the deceased person, and debts to others, including therein debts by judgment or order, and other debts of record, debts by specialty, simple contract debts, and such claims for damages as are payable in like order of administration as simple contract debts shall be paid *pari passu* and without any preference or priority of debts of one rank or nature over those of another; but nothing herein shall prejudice any lien existing during the lifetime of the debtor on any of his property. R.S.O. 1914, c. 121, s. 53. *Amended*.

Not to affect  
liens.

As to liability  
of executor  
or adminis-  
trator in  
respect of  
covenants,  
etc., in  
leases.  
Imp. Act,  
22-23 Vict.  
c. 35, s. 27.

**50.**—(1) Where a personal representative, liable as such to the rents, or upon the covenants or agreements contained in a lease or agreement for a lease granted or assigned to the testator or intestate has satisfied all liabilities under the lease or agreement for a lease, which accrued due and were claimed up to the time of the assignment hereinafter mentioned, and has set apart a sufficient fund to answer any future claim that may be made in respect of any fixed and ascertained sum covenanted or agreed by the lessee to be laid out on the property demised, or agreed to be demised, although the period for laying out the same may not have arrived, and has assigned the lease, or agreement for lease, to a purchaser thereof, he may distribute the residuary estate of the deceased to and among the parties entitled thereto, without appropriating any part

or any further part thereof, as the case may be, to meet any future liability under such lease or agreement for lease.

(2) The personal representative so distributing the residuary estate shall not be personally liable in respect of any subsequent claim under the lease or agreement for lease.

No personal liability for subsequent claim.

(3) Nothing in this section shall prejudice the right of the lessor, or those claiming under him, to follow the assets of the deceased into the hands of the person or persons to or amongst whom they have been distributed. R.S.O. 1914, c. 121, s. 54.

Right to follow assets not affected.

**51.**—(1) Where a personal representative, liable as such to the rent or upon the covenants or agreements contained in any conveyance on chief rent or rent-charge, whether any such rent is by limitation of use, grant or reservation, or agreement for such conveyance, granted or assigned to or made and entered into with the testator or intestate, has satisfied all liabilities under the conveyance, or agreement for a conveyance, which accrued due and were claimed up to the time of the conveyance by him hereinafter mentioned, and has set apart a sufficient fund to answer any future claim that may be made in respect of any fixed and ascertained sum covenanted or agreed by the grantee to be laid out on the property conveyed, or agreed to be conveyed, although the period for laying out the same may not have arrived, and has conveyed such property, or assigned such agreement for conveyance to a purchaser thereof, he may distribute the residuary estate of the deceased to and amongst the persons entitled thereto, without appropriating any part, or any further part thereof, as the case may be, to meet any further liability under such conveyance or agreement for conveyance.

As to liability of executor in respect of rents, etc., in conveyances on rent-charge, etc. Imp. Act, 22-23 Vict. c. 35, s. 28.

(2) A personal representative so distributing the residuary estate shall not be personally liable in respect of any subsequent claim under the conveyance or agreement for conveyance.

No personal liability for any subsequent claim.

(3) Nothing in this section shall prejudice the right of the grantor, or those claiming under him, to follow the assets of the deceased into the hands of the person or persons to or amongst whom they have been distributed. R.S.O. 1914, c. 121, s. 55.

Right of grantor, etc., to follow assets not affected.

**52.**—(1) Where a trustee or assignee acting under the trusts of a deed or assignment for the benefit of creditors generally, or of a particular class or classes of creditors, where the creditors are not designated by name therein, or a personal representative has given such or the like notices as, in the opinion of the court, in which such trustee, assignee, or personal representative is sought to be charged, would

Distribution of assets under trust deeds for benefit of creditors, or of the assets of the testator or intestate after notice given by trustee, assignee, executor or administrator.

have



have been directed to be given by the Supreme Court in an action for the execution of the trusts of such deed or assignment, or in an administration suit, for creditors and others to send in to such trustee, assignee, or personal representative, their claims against the person for the benefit of whose creditors such deed or assignment is made, or against the estate of the testator or intestate, as the case may be, at the expiration of the time named in the notices, or the last of the notices, for sending in such claims, he may distribute the proceeds of the trust estate, or the assets of the testator or intestate, as the case may be, or any part thereof; amongst the persons entitled thereto, having regard to the claims of which he has then notice, and shall not be liable for the proceeds of the trust estate, or assets, or any part thereof so distributed to any person of whose claim he had not notice at the time of the distribution.

Right of  
creditor to  
follow assets  
not affected.

(2) Nothing in this section shall prejudice the right of any creditor or claimant to follow the proceeds of the trust estate, or assets, or any part thereof into the hands of persons who have received the same. R.S.O. 1914, c. 121, s. 56.

Subs. 1  
not to apply  
to heirs, etc.

(3) Subsection 1 shall not apply to heirs, next of kin, devisees or legatees claiming as such. *New*.

#### PROPERTY SUBJECT TO POWER, WHEN TO BE ASSETS.

Exercise of  
general  
power by  
will, effect  
of

3 W. & M.  
c. 14.

**53.** Property over which a deceased person had a general power of appointment, which he might have exercised for his own benefit without the assent of any other person, shall be assets for the payment of his debts where the same is appointed by his will; and, under an execution against the personal representatives of such deceased person, such assets may be seized and sold after the deceased person's own property has been exhausted. R.S.O. 1914, c. 121, s. 57.

#### UNDISPOSED OF RESIDUE.

Executor  
to be  
trustee of  
residue for  
next of kin.  
Rev. Stat.  
c. 119.  
Imp. Act,  
11 Geo. IV,  
and 1 W. IV,  
c. 40, s. 1.

**54.—**(1) When a person dies having by will appointed an executor, such executor, in respect of any residue not expressly disposed of, shall be deemed to be a trustee for the person, if any, who would be entitled to the estate under *The Devolution of Estates Act* in case of an intestacy, unless it appears by the will that the executor was intended to take such residue beneficially.

Where there  
is no person  
entitled to  
the residue.  
Imp. Act,  
11 Geo. IV,  
and 1 W. IV,  
c. 40, s. 2.

(2) Nothing in this section shall prejudice any right in respect of any residue not expressly disposed of to which, if this Act had not been passed, an executor would have been entitled where there is not any person who would be entitled



to the testator's estate under *The Devolution of Estates Act* in case of an intestacy. R.S.O. 1914, c. 121, s. 58.

#### RIGHTS AND LIABILITY OF REPRESENTATIVES OF EXECUTORS AND ADMINISTRATORS.

**55.** Executors of executors shall have the same actions for the debts and property of the first testator as he would have had if in life; and shall be answerable for such of the debts and property of the first testator as they shall recover as the first executors would be if they had recovered the same. R.S.O. 1914, c. 121, s. 59.

Rights and liabilities of executors of executors.  
See 25 Edw. III, Stat. f. c. 5.

**56.** The personal representative of any person who, as executor or as executor in his own wrong, or as administrator, wastes or converts to his own use any part of the estate of any deceased person shall be liable and chargeable in the same manner as his testator or intestate would have been if he had been living. R.S.O. 1914, c. 121, s. 60.

Liability of personal representative of one who commits waste.  
30 Car. II. c. 7, s. 1.  
4 W. and M. c. 24, s. 12.

#### ESTATES OF INSOLVENT DECEASED PERSONS.

**57.**—(1) On the administration of the estate of a deceased person, in case of a deficiency of assets, every creditor in proving his claim shall state whether he holds any security for his claim or any part thereof, and shall give full particulars of the same, and if such security is on the estate of the deceased debtor or on the estate of a third person for whom the estate of the deceased debtor is only indirectly or secondarily liable the creditors shall put a specified value on such security, and the personal representative, under the authority of the other creditors of the estate of the deceased, or of the court if the estate is being then administered under the direction of or by a court, may either consent to the creditor's ranking for the claim, after deducting such valuation, or may require from the creditor an assignment of the security at an advance of ten per centum upon the specified value to be paid out of the estate as soon as the personal representative has realized such security, in which he shall be bound to the exercise of ordinary diligence; and in either case the difference between the value at which the security is retained or taken, as the case may be, and the amount of the claim of the creditor shall be the amount for which he shall rank upon the estate of the deceased debtor.

Creditor holding security to value the same.

(2) If the claim of the creditor is based upon a negotiable instrument upon which the estate of the deceased debtor is only indirectly or secondarily liable, and which is not mature or exigible, the creditor shall be considered to hold security within the meaning of this section, and shall put a value on the liability of the person primarily liable thereon, as his security for the payment thereof, but after the maturity of

When claim is based on negotiable instruments.

such

such liability and its non-payment he shall be entitled to amend and re-value his claim. R.S.O. 1914, c. 121, s. 63.

Creditors holding security may assign same and rank as unsecured creditor.

**58.** A creditor holding any such security on the estate of a deceased debtor, or on the estate of a third person for whom the estate of such debtor is only indirectly or secondarily liable, may release or deliver up such security to the personal representative, or he may, by statutory declaration delivered to the personal representative, set a value upon such security; and from the time he shall have so released or delivered up such security or valued the same the debt to which such security applied shall be considered as an unsecured debt of the estate, or as being secured only to the extent of the value set upon such security; and the creditor may rank as and exercise all the rights of an ordinary creditor for the amount of his claim, or to the extent only of so much thereof as exceeds the value set upon such security as the case may be. R.S.O. 1914, c. 121, s. 64.

When creditor holding security fails to value same.

**59.**—(1) Where a person claiming to be entitled to rank on the estate holds security for his claim, or any part thereof, of such a nature that he is required by this Act to value it, and he fails to value the same, the judge of the surrogate court who granted the probate or letters of administration may, upon summary application by the personal representative, of which application three days' notice shall be given to such claimant, order that unless a specified value shall be placed on such security and notified in writing to the personal representative within a time to be limited by the order such claimant shall, in respect of the claim, or the part thereof for which the security is held, be wholly barred of any right to share in the proceeds of such estate.

Effect of neglect to comply with order.

(2) If a specified value is not placed on such security and notified in writing to the personal representative according to the exigency of the order, or within such further time as the judge may allow, the claim or the part thereof, as the case may be, shall be wholly barred as against such estate.

Administration under the direction of a court.

(3) Where an estate is being administered by or under the direction of a court such court shall exercise the jurisdiction conferred by this section upon the judge of the surrogate court. R.S.O. 1914, c. 121, s. 65.

[As to priority in respect of wages, see *The Wages Act, Rev. Stat. c. 143, s. 6.*]

#### SUMMARY APPLICATION TO COURT FOR ADVICE.

Trustee, etc., may apply for advice in management of trust property.

**60.**—(1) A trustee, guardian or personal representative may, without the institution of an action, apply to the

Supreme

Supreme Court for the opinion, advice or direction of the Court on any question respecting the management or administration of the trust property or the assets of his ward or his testator or intestate. R.S.O. 1914, c. 121, s. 66 (1). *Amended.* Imp. Act, 22-23 Vict. c. 35, s. 30.

(2) The trustee, guardian or personal representative acting upon the opinion, advice or direction given shall be deemed, so far as regards his own responsibility, to have discharged his duty as such trustee, guardian, or personal representative, in the subject matter of the application, unless he has been guilty of some fraud, wilful concealment or misrepresentation in obtaining such opinion, advice or direction. R.S.O. 1914, c. 121, s. 66 (2). Indemnity of trustee, etc., acting as advised.

#### ALLOWANCE TO TRUSTEES AND PERSONAL REPRESENTATIVES.

**61.**—(1) A trustee, guardian or personal representative, shall be entitled to such fair and reasonable allowance for his care, pains and trouble, and his time expended in and about the estate, as may be allowed by a judge of the Supreme Court or by any master or referee to whom the matter may be referred. Allowance to trustees, etc.

(2) The amount of such compensation may be settled although the estate is not before the Court in an action. R.S.O. 1914, c. 121, s. 67 (1, 2). Though estate not before the Court.

(3) The judge of a surrogate court, in passing the accounts of a trustee or of a personal representative or guardian, may from time to time allow to him a fair and reasonable allowance for his care, pains and trouble, and his time expended in or about the estate. R.S.O. 1914, c. 121, s. 67 (3). *Amended.* Allowance to executor or administrator for services.

(4) Where a barrister or solicitor is a trustee, guardian or personal representative, and has rendered necessary professional services to the estate regard may be had in making the allowance to such circumstance, and the allowance shall be increased by such amount as may be deemed fair and reasonable in respect of such services. Allowance to barrister or solicitor trustee for professional services.

(5) Nothing in this section shall apply where the allowance is fixed by the instrument creating the trust. R.S.O. 1914, c. 121, s. 67 (4, 5). Where allowance fixed by the instrument.

#### MISCELLANEOUS

**62.** A trustee who is either a vendor or a purchaser may sell or buy without excluding the application of section 2 of *The Vendors and Purchasers Act*. R.S.O. 1914, c. 121, s. 68. Trustees buying or selling. Rev. Stat. c. 122.



*Indemnity.**Indemnity.*

Imp. Acts,  
15 and 16  
Vict. c.  
55, s. 7,  
56-57 Vict.  
c. 53, s. 49.

**63.** This Act, and every order purporting to be made under it, shall be a complete indemnity to all persons for any acts done pursuant thereto. R.S.O. 1914, c. 121, s. 69.

*Amended.*

*Note—See also The Judicature Act, Rev. Stat. c. 56, s. 135.*

*As to the protection of purchasers see also section 56 of The Conveyancing Act.*

## COSTS.

Costs may be  
ordered to be  
paid out of  
estate.

**64.** The Supreme Court may order the costs of and incidental to any application, order, direction, conveyance, assignment or transfer under this Act, or any part thereof, to be paid or raised out of the property in respect of which the same is made, or out of the income thereof, or to be borne and paid in such manner and by such persons as the Court may deem proper. R.S.O. 1914, c. 121, s. 70.

## APPLICATION OF ACT.

Application  
of Act.

**65.** Subject to section 66, unless otherwise expressed therein, the provisions of this Act shall apply to all trusts whenever created and to all trustees whenever appointed. R.S.O. 1914, c. 121, s. 71.

Additional  
powers  
given.

**66.** The powers, rights and immunities conferred by this Act are in addition to those conferred by the instrument creating the trust, and shall have effect subject to the terms thereof. R.S.O. 1914, c. 121, s. 72. *Amended.*

Express  
terms of  
trust  
instrument  
to prevail.

**67.** Nothing in this Act shall authorize a trustee to do anything which he is in express terms forbidden to do, or to omit to do anything which he is in express terms directed to do by the instrument creating the trust. R.S.O. 1914, c. 121, s. 73.

## REPEAL.

Repeal.

**68.** The Acts and parts of Acts set out in the Schedule are repealed to the extent therein mentioned.

## COMMENCEMENT OF ACT.

Commence-  
ment of Act.

**69.** This Act shall come into force on the 1st day of July, 1926.

## SCHEDULE.

R.S.O., Chapter 121—The Whole except sections 33 and 39.  
1919, Chapter 31—The Whole.  
1921, Chapter 48—The Whole.  
1923, Chapter 25—The Whole.  
1925, Chapter 38—The Whole.

## CHAPTER 41.

## An Act to amend The Vendors and Purchasers Act.

*Assented to 8th April, 1926.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**1.** This Act may be cited as *The Vendors and Purchasers Act, 1926.* Short title.

**2.** *The Vendors and Purchasers Act* is amended by adding thereto the following section: Rev. Stat. c. 122, amended.

**5.** Every contract for the sale and purchase of land shall, unless otherwise stipulated, be deemed to provide that,— Terms of agreement of sale and purchase.

- (a) the vendor shall not be bound to produce any abstract of title, deed, copies of deed or other evidence of title except such as are in his possession or control;
- (b) the purchaser shall search the title at his own expense and shall make his objections thereto in writing within thirty days from the making of the contract;
- (c) the vendor shall have thirty days in which to remove any objection made to the title, but if he is unable or unwilling to remove any objection which the purchaser is not willing to waive, he may cancel the contract and return any deposit made but shall not be otherwise liable to the purchaser;
- (d) taxes, local improvement rates, insurance premiums, rents and interest, shall be adjusted as at the date of closing;

(e)

- (e) the conveyance shall be prepared by the vendor and the mortgage, if any, by the purchaser and the purchaser shall bear the expense of registration of the deed and of the mortgage, if any;
- (f) the purchaser shall be entitled to possession or the receipt of rents and profits upon the closing of the transaction.



## CHAPTER 42.

## An Act to amend The Workmen's Compensation Act.

*Assented to 8th April, 1926.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**1.** This Act may be cited as *The Workmen's Compensation Act, 1926.* Short title

**2.** Section 100 of *The Workmen's Compensation Act* is 1914, c. 25, s. 100, amended. amended by adding the following subsections,—

(7a).—(a) "Silicosis" shall mean silicosis of the lungs (a "Silicosis." fibroid condition of the lungs caused by the inhalation of silica dust).

(b) A person shall for the purposes of this Act be deemed When person to be deemed affected by silicosis. to have or to have had silicosis,—

(i) In the ante-primary stage, when it is found by the board that the earliest detectable specific physical signs of silicosis are or have been present, whether or not capacity for work is or has been impaired by such silicosis;

(ii) In the primary stage, when it is found by the board that definite and specific physical signs of silicosis are or have been present, and that capacity for work is or has been impaired by that disease, though not seriously and permanently;

(iii) In the secondary stage, when it is found by the board that definite and specific physical signs of silicosis are or have been present, and that capacity for work is or has been seriously and permanently impaired by that disease or when it is found by the board that tuberculosis with silicosis is or has been present.

(7b)

Condition  
upon which  
compen-  
sation  
granted.

- (7b) Nothing in this Act shall entitle a workman or his dependents to compensation, medical aid, or payment of burial expenses for disability or death from silicosis unless the workman has been actually exposed to silica dust in his employment in Ontario for periods amounting in all to at least five years preceding his disablement.

1914, c. 25,  
schedule 3,  
amended.

3. Schedule 3 of *The Workmen's Compensation Act* as amended by section 17, subsection 3, of chapter 34 of the Statutes of 1917, is amended by inserting in the first column the words "silicosis" and opposite thereto in the second column of the said schedule the word "mining."

Commence-  
ment of  
Act.

4. This Act shall come into force on the day upon which it receives the Royal Assent.

## CHAPTER 43.

## An Act to amend The Marriage Act.

*Assented to 8th April, 1926.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**1.** This Act may be cited as *The Marriage Act, 1926.* Short title.

**2.** Subsection 1 of section 11 of *The Marriage Act* as re-  
enacted by section 6 of *The Marriage Law Amendment Act, 1921*, is amended by striking out the words "Registrar General" in the second and third lines and inserting in lieu thereof the words "Provincial Secretary." Rev. Stat.  
c. 148, s. 11,  
subs. 1  
(1921, c. 51,  
s. 6),  
amended.

**3.** Subsection 2 of section 15 of *The Marriage Act* as  
amended by subsection 2 of section 2 of *The Marriage Law Amendment Act, 1919*, is repealed and the following substituted therefor,— Rev. Stat.  
c. 148, s. 15,  
subs. 2,  
repealed.

(2) The execution of any consent required by this section shall be verified by affidavit or statutory declaration. Consent to  
be verified  
by affidavit.

**4.** Section 16a of *The Marriage Act* as enacted by section 3 of *The Marriage Law Amendment Act, 1916*, is amended by striking out the words "Registrar General" in the second and seventh lines and inserting in lieu thereof the words "Provincial Secretary." Rev. Stat.  
c. 148, s. 16a  
(1916, c. 32,  
s. 3),  
amended.

**5.**—(1) Subsection 3 of section 19 of *The Marriage Act* as re-  
enacted by section 6 of *The Marriage Law Amendment Act, 1916*, is amended by striking out the words "Registrar General" in the fifth line and inserting in lieu thereof the words "Provincial Secretary." Rev. Stat.  
c. 148, s. 19,  
subs. 3,  
amended.

(2) Subsection 5 of the said section 19 as amended by section 3 of *The Marriage Law Amendment Act, 1919*, and subsection 6 as enacted by section 3 of *The Marriage Act, 1925*, are repealed and the following substituted therefor,— Rev. Stat.  
c. 148, s. 19,  
subs. 5, 6,  
repealed.



Documents  
to be filed  
with issuer.

- (5) In addition to the proofs required by subsection 1 at the time of the application for a license or certificate there shall be produced and filed with the issuer or deputy issuer,—

(a) a copy of the registration of birth of the other party to the marriage certified by the Registrar General or other proper officer in this behalf; or

(b) an affidavit made by,—

(i) such other party to the marriage; or

(ii) by some person being a member of his or her family and having personal knowledge of the facts,

stating the age, date and place of birth of such other party; provided that where such affidavit is made by such other party to the marriage it shall be sufficient to state the age, date and place of birth of such other party, according to the best of his knowledge, information and belief.

When proof  
of age may  
be dispensed  
with.

- (6) Where both the parties to the intended marriage attend before the issuer and each of them makes the affidavit required in subsection 1, the issuer may in his discretion dispense with the proof required by subsection 5.

Rev. Stat.  
c. 148, s. 23a,  
subs. 1  
(1925, c. 45,  
s. 4),  
amended.

**6.** Subsection 1 of section 23a of *The Marriage Act* as enacted by section 3 of *The Marriage Act, 1925*, is amended by striking out the words “within three clear days after the date thereof” in the third and fourth lines, and inserting in lieu thereof the words “earlier than the third day after the day of the date of such license.”

Commence-  
ment of  
Act.

**7.** This Act shall come into force on the day upon which it receives the Royal Assent.

## CHAPTER 44.

## An Act to consolidate and amend The Married Women's Property Act.

*Assented to 8th April, 1926.*

**HIS MAJESTY**, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**1.** This Act may be cited as *The Married Women's Property Act, 1926.* Short title.

## INTERPRETATION.

**2.** In this Act,—

Interpreta-  
tion.

- (a) "Contract" shall include the acceptance of any trust or the office of executrix or administratrix; "Contract."
- (b) "Property" shall include a thing in action. R.S.O. 1914, c. 149, s. 2. "Property."

## PROPERTY RIGHTS AND LIABILITIES OF MARRIED WOMEN

**3.** A married woman shall be capable of acquiring, holding and disposing by will or otherwise of any real or personal property as her separate property in the same manner as if she were a *feme sole* without the intervention of a trustee. R.S.O. 1914, c. 149, s. 4 (1). Capacity for holding property as feme sole.

**4.** A married woman shall be capable of entering into and rendering herself liable in respect of and to the extent of her separate property on any contract, and of suing and being sued, either in contract or in tort or otherwise, in all respects as if she were a *feme sole*, and her husband need not be joined with her as plaintiff or defendant or be made a party to any action or other legal proceeding brought by or taken against her; and any damages or costs recovered by her in any such action or proceeding shall be her separate property and any damages or costs recovered against her in any such action or proceeding shall be payable out of her separate property and not otherwise. R.S.O. 1914, c. 149, s. 4 (2). Power to contract and to sue and be sued.

Contracts on or after 13th April, 1897.

5.—(1) Every contract entered into by a married woman on or after the 13th day of April, 1897, otherwise than as an agent,—

Whether possessed or not of property when contract entered into.

(a) shall be deemed to be a contract entered into by her with respect to and bind her separate property whether she was or was not in fact possessed of or entitled to any separate property at the time when she entered into such contract;

(b) shall bind all separate property which she may at the time or thereafter possess or be entitled to; and

(c) shall also be enforceable by process of law against all property which she may thereafter while discoverd possess or be entitled to.

Except where restraint on anticipation exists. 56-57 V. (Imp.), c. 63, s. 1.

(2) Nothing in this section shall be rendered available to satisfy any liability or obligation arising out of such contract any separate property which she is restrained from anticipating. R.S.O. 1914, c. 149, s. 5.

Execution of general power.

6. The execution of a general power by will by a married woman shall have the effect of making the property appointed liable for her debts and other liabilities, and such property may be seized and sold under an execution against her personal representative after her separate property has been exhausted. R.S.O. 1914, c. 149, s. 9.

Power of court to bind interest. Imp. Act. 44-45 V. c. 41, s. 39

7. Notwithstanding that a married woman is restrained from anticipation the court may, if it thinks fit, where it appears to the court to be for her benefit, by judgment or order, with her consent, bind her interest in any property. R.S.O. 1914, c. 149, s. 10.

Remedies of married women for protection and security of separate property.

8. Every married woman shall have in her own name against all persons whomsoever, including her husband, the same remedies for the protection and security of her own separate property as if such property belonged to her as a *feme sole*, but, except as aforesaid no husband or wife shall be entitled to sue the other for a tort. R.S.O. 1914, c. 149,

Torts as between husband and wife.

s. 16. *Amended.*

Wife's anti-nuptial debts, contracts and torts.

9.—A woman after her marriage shall continue to be liable in respect and to the extent of her separate property for all debts contracted and all contracts entered into or wrongs committed by her before her marriage, and she may be sued for any such debt and for any liability in damages or otherwise under any such contract or in respect of any such wrong; and all sums recovered against her in respect thereof



or for any costs relating thereto, shall be payable out of her separate property; and, as between her and her husband unless there be any contract between them to the contrary, her separate property shall be deemed to be primarily liable for all such debts, contracts or wrongs and for all damages or costs recovered in respect thereof. R.S.O. 1914, c. 149, s. 17 (1).

**10.**—(1) A husband and wife may be jointly sued in respect of any such debt or other liability, whether for contract or for any wrong contracted or incurred by the wife if the plaintiff in the action seeks to establish his claim either wholly or in part against both of them. Parties to actions.

(2) If in any such action or in any action brought in respect of any such debt or liability against the husband alone, it is not found that the husband is liable in respect of any property of the wife so acquired by him or to which he shall have become so entitled he shall have judgment for his costs of defense whatever may be the result of the action against the wife if sued jointly with him. Husband's costs.

(3) In any such action against husband and wife jointly if it appears that the husband is liable for the debt or damages recovered or any part thereof, the judgment to the extent of the amount for which the husband is liable shall be a joint judgment against the husband personally and against the wife as to her separate property; and as to the residue if any of such debt and damages the judgment shall be a separate judgment against the wife as to her separate property only. R.S.O. 1914 c. 149, s. 19. What judgment may be entered.

**11.** For the purposes of this Act the legal personal representative of any married woman shall, in respect of her separate estate, have the same rights and liabilities and be subject to the same jurisdiction as she would have had or been subject to if she were living. R.S.O. 1914, c. 149, s. 23. Legal representative of married woman.

**12.** Nothing in this Act shall interfere with or affect any settlement or agreement for a settlement made or to be made, whether before or after marriage, respecting the property of any married woman, or shall interfere with or render inoperative any restriction against anticipation at present attached or to be hereafter attached to the enjoyment of any property or income by a woman under any settlement, agreement for a settlement, will or other instrument; but no Saving of settlements, and restraints against anticipation.

restriction against anticipation contained in any settlement or agreement for a settlement of a woman's own property to be made or entered into by herself shall have and validity against debts contracted by her before marriage, and no settlement or agreement for a settlement shall have any greater force or validity against creditors of such woman than a like settlement or agreement for a settlement made or entered into by a man would have against his creditors. R.S.O. 1914, c. 149, s. 21.

#### Liabilities.

**13.** The provisions of this Act as to the liabilities of married women shall extend to all liabilities by reason of any breach of trust or devastavit committed by a married woman who is a trustee or executrix or administratrix, either before or after her marriage, and her husband shall not be subject to such liabilities unless he has acted or intermeddled in the trust or administration. R.S.O. 1914, c. 149, s. 3.

#### SUMMARY TRIAL OF QUESTIONS OF PROPERTY BETWEEN HUSBAND AND WIFE.

#### Summary disposal of questions between husband and wife as to property.

**14.—(1)** In any question between husband and wife as to the title to or possession of property, either party, or any corporation, company, public body or society in whose books any stocks, fund or shares of either party are standing may apply in a summary way to a judge of the Supreme Court or at the option of the applicant irrespectively of the value of the property in dispute, to the judge of the county or district court of the county or district in which either party resides; and the judge may make such order with respect to the property in dispute and as to the costs of and consequent on the application as he thinks fit or may direct such application to stand over from time to time, and any inquiry or issue touching the matters in question to be made or tried in such manner as he shall think fit. R.S.O. 1914, c. 149, s. 20 (1).

#### Removal of proceedings from county court into Supreme Court.

**(2)** All proceedings in a county or district court under this section, in which by reason of the character or value of the property in dispute, such court would not have had jurisdiction if this Act had not been passed, may at the option of the defendant or respondent be removed as of right into the Supreme Court, but any order made or act done in the course of the proceedings prior to the removal shall be valid unless an order is made to the contrary by the Supreme Court.

#### Hearing.

**(3)** The judge, if either party so request, may hear any such application in private.

(4) Any such corporation, company, public body or society shall, in the matter of any such application, for the purposes of costs or otherwise be treated as a stakeholder only. R.S.O. 1914, c. 149, s. 20 (4-6). <sup>Corporation's costs.</sup>

(5) An appeal shall lie to the Appellate Division from any order made under this section where the value of the property in dispute exceeds \$200. *New.* <sup>Appeal.</sup>

#### ORDER OF PROTECTION

**15.—**(1) Any married woman

(a) having a judgment for alimony; or

(b) who lives apart from her husband, having been obliged to leave him from cruelty or other cause which by law justifies her leaving him and renders him liable for her support; or

(c) whose husband is a lunatic either with or without lucid intervals; or

(d) whose husband is undergoing sentence of imprisonment in the Provincial Penitentiary or in any gaol for a criminal offence; or

(e) whose husband from habitual drunkenness, profligacy or other cause neglects or refuses to provide for her support and that of his family; or

(f) whose husband has never been in Ontario; or

(g) who is deserted or abandoned by her husband;

When married woman may obtain an order of protection for the earnings of her minor children.

may obtain an order of protection entitling her, notwithstanding her coverture, to have and to enjoy all the earnings of her minor children, and any acquisitions therefrom, free from the debts and obligations of her husband and from his control or disposition, and without his consent, in as full and ample a manner as if she continued sole and unmarried. <sup>Purport and effect of such order.</sup>

(2) The married woman may at any time apply, or the husband or any of the husband's creditors may at any time, on notice to the married woman, apply for the discharge of the order of protection; and if an order for such discharge is made the same may be registered or filed in the same manner as the original order. <sup>How and by whom an order discharging, protection may be obtained.</sup>



By whom to  
be made in  
cities and  
towns.

(3) Either order may issue in duplicate, and where the married woman resides in a city or town in which there is a police magistrate the order of protection or any order discharging the same shall be made by the police magistrate and shall be registered in the registry office of the registry division in which the city or town is situate.

Registration.

By whom  
order made  
elsewhere.

(4) Where the married woman does not reside in a city or town in which there is a police magistrate the order shall be made by the judge or one of the judges or the acting or deputy judge of the division courts or a division court of the county or district in which the married woman resides; and instead of being registered shall be filed for public inspection with the clerk of the division court of the division within which the married woman resides

Hearing.

(5) The hearing of an application for an order of protection or for an order discharging the same may be public or private at the discretion of the judge or police magistrate.

Order not to  
have effect  
until regis-  
tered or  
filed.

(6) The order for protection shall have no effect until it is registered or filed, and the registrar or clerk shall immediately on receiving the order endorse thereon the day of registering or filing the same.

Operation  
of order dis-  
charging.

(7) The order discharging an order of protection shall not be retroactive.

From what  
time order  
of protection  
to take effect.

(8) The order of protection shall protect the earnings of the minor children of the married woman until an order is made discharging such order of protection, and the married woman shall continue to hold and enjoy to her separate use whatever, during the interval between the registering or filing of the order of protection and the making of the order discharging the same, she may have acquired by the earnings of her minor children. R.S.O. 1914, c. 149, s. 22.

Repeal.

**16.** *The Married Women's Property Act*, being chapter 149 of the Revised Statutes of Ontario, 1914, except subsections 4 and 5 of section 4; sections 6, 8, 11, 12, 13, 14, 15; subsection 2 of section 17; subsection 3 of section 18 and section 24, is hereby repealed.

NOTE.—For provisions as to contracts of married women prior to 13th May, 1897, and as to the rights and liabilities of married women prior to that date see R.S.O. 1914, chapter 149, portions of which are neither consolidated or repealed.

## CHAPTER 45.

## An Act to amend The Adoption Act, 1921.

*Assented to 8th April, 1926.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**1.** This Act may be cited as *The Adoption Act, 1926*.

Short title.

**2.** *The Adoption Act, 1921*, is amended by adding the following section,—

1921, c. 55,  
amended.

16a. An order of adoption of an illegitimate child made under this Act shall not be invalidated or in any way affected by the subsequent intermarriage of its parents.

Subsequent  
inter-  
marriage of  
parents not  
to affect  
adoption.

**3.** This Act shall come into force on the day upon which it receives the Royal Assent.

Commence-  
ment of  
Act.

## CHAPTER 46.

An Act to consolidate and amend The  
Dentistry Act.*Assented to 8th April, 1926.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.      **1.** This Act may be cited as *The Dentistry Act, 1926.*

## ROYAL COLLEGE OF DENTAL SURGEONS OF ONTARIO.

Royal College of Dental Surgeons of Ontario.

**2.** The Royal College of Dental Surgeons of Ontario, hereinafter called "the College," is continued, and every person who holds a valid and unforfeited certificate of license to practise dentistry granted to him by such College shall be a member of the corporation. R.S.O. 1914, c. 163, s. 2.

Power as to real estate.

**3.**—(1) The College may purchase, take and possess for the purposes of the College, but for no other purpose, and, after acquiring the same, may sell, mortgage, lease or dispose of any real estate. R.S.O. 1914, c. 163, s. 3 (1).

Consent to alienation, etc., required.

(2) Such real estate shall not be sold, mortgaged, leased or disposed of, except with the consent of the Board of Directors, given at a meeting duly called for that purpose and with the consent of the Minister of Education. R.S.O. 1914, c. 163, s. 3 (2); 1920, c. 46, s. 2.

Notice of meeting.

(3) Notice of such meeting shall be given to every member of the Board by letter mailed to his last registered address, seven days before the day appointed for such meeting, stating the object thereof. R.S.O. 1914, c. 163, s. 3 (3).

## BOARD OF DIRECTORS.

Board of Directors.

**4.**—(1) There shall continue to be a Board of Directors of the College, hereinafter called "the Board."



(2) The Board shall consist of nine elected members each of whom shall be a member of the College and shall hold office for two years and the Minister of Education for the Province of Ontario who shall be *ex officio* a member of the Board. Number of members.

(3) The presence of at least five of the elected members of the Board shall be necessary to constitute a quorum. Quorum.

(4) One member shall be elected for each electoral district mentioned in Schedule "A" by the members of the College resident in such district, and every person so elected shall be a resident of the electoral district for which he is elected and no person shall be eligible for election as a representative of an electoral district who is a member of any dental faculty and in receipt of salary or other remuneration for his services thereon. One member for each electoral district.

(5) One member shall be elected by and from the Faculty of Dentistry of the University of Toronto. Member from Faculty of Dentistry.

(6) A member of the Board may at any time resign his office by giving notice of his resignation in writing to the secretary and in case of a vacancy occurring through resignation or otherwise: Resignation.

(a) where the vacancy occurs in the representation of an electoral district more than two months prior to the holding of a general election, an election shall be held for the electoral district to fill the vacancy, and where the vacancy occurs not more than two months prior to the date of the general election, no person shall be elected or appointed to fill the vacancy; Filling vacancies.

(b) where the vacancy is in the representation of the Faculty of Dentistry, the remaining members of the Faculty shall elect a duly qualified person to fill the vacancy. *New.*

5. The Province of Ontario shall, for the purposes of this Act, be divided into the eight electoral districts described in Schedule "A." R.S.O. 1914, c. 163, s. 5. *Amended.* Electoral districts.

6.—(1) An election of the Board shall be held on the second Wednesday of December in every second year, reckoning from the year 1912; and the present Board shall hold office until the first meeting of the new Board. Election of Board.

(2) No person shall be qualified to vote at such election if he is in arrear in respect of any fees payable by him. Qualification of voters.

How votes  
to be given.

(3) The votes at such election shall be given by closed voting papers, Form 1.

Manner of  
election.

(4) The manner of holding such election with respect to notification of the electors of the time and place of holding the election, the nomination of candidates, the presiding officer thereat, the taking and counting of the votes, the giving of a casting vote in case of an equality of votes, and other necessary details shall be determined by by-law of the Board, and in default of such by-law, may be prescribed by the Lieutenant-Governor in Council. R.S.O. 1914, c. 163, s. 6.

First  
meeting  
of Board.

7.—(1) Every newly elected Board shall hold its first meeting in the City of Toronto on the first Monday in May, or at such other time as may be fixed by the retiring Board, and the members of the Board shall hold office until the first meeting of their successors.

Subsequent  
meetings.

(2) Other meetings shall be held at such time and place as the Board appoints. R.S.O. 1914, c. 163, s. 8 (1, 2).

Special  
meetings.

(3) Special meetings may be called by the president at any time, and on the request in writing of four members of the Board he shall call a special meeting. R.S.O. 1914, c. 163, s. 8 (3). *Amended.*

#### OFFICERS OF BOARD.

President  
and  
officers.

8.—(1) Every Board shall at its first meeting elect a president, a vice-president and a registrar, and shall appoint a treasurer and a secretary, and such other officers as the Board considers necessary.

Remunera-  
tion of treas-  
urer and  
secretary.

(2) The treasurer and the secretary shall receive such remuneration for their services as the Board may fix.

President,  
etc., pro  
tempore.

(3) The Board shall, if the president and vice-president are absent, elect one of its members to preside at its meeting, who, while so presiding, shall have the same powers and exercise the same functions as the president. R.S.O. 1914, c. 163, s. 9.

Executive  
committee.

(4) The Board shall annually appoint from among its members not more than five persons who shall constitute an executive committee to take cognizance of and action upon all such matters as may be delegated to it, or as may require immediate action or attention between meetings of the Board, but no action taken by the executive committee shall be valid unless agreed to by at least three members of the committee nor after the next ensuing meeting of the Board

unless

unless approved by the Board at that meeting, and the executive committee shall not have power to alter, amend or suspend any by-law of the Board. *New.*

**9.** There shall be paid to the members of the Board such fees for attendances and such reasonable travelling expenses as may be fixed by by-law of the Board. R.S.O. 1914, c. 163, s. 10. *Amended.* Remuneration of members of Board.

**10.**—(1) All moneys under the control of the Board shall be paid to the treasurer, and shall be applied for the purpose of the College. R.S.O. 1914, c. 163, s. 11. Funds payable to the treasurer.

(2) The Board may out of any funds in its hands from time to time make grants,— Grants for certain purposes.

(a) for post graduate courses and kindred educational extension work;

(b) for scholarship, lectureship and research work; and

(c) in aid of any fund which has for its purpose investigation in the interest of dental, medical and surgical science; and

(d) in aid of any association or other body having for its object the protection of members of the college or the adjustment of claims against them for anything done in their professional capacity. *New.*

#### BY-LAWS OF BOARD.

**11.**—(1) The Board shall make such by-laws as it may deem necessary for the proper and better guidance, government, discipline and regulation of the Board, the College, the members of the College and the profession of dental surgery, and the carrying out of the provisions of this Act, and such by-laws shall be published for two consecutive weeks in the *Ontario Gazette*, and shall not take effect until so published. Power to make by-laws.

(2) Such by-laws or any of them may be annulled by the Lieutenant-Governor in Council. R.S.O. 1914, c. 163, s. 17. Annulment.

#### CERTIFICATES OF LICENSE.

**12.**—(1) The Board may appoint one or more examiners for the matriculation or preliminary examination of all students entering the profession, or may accept in lieu of such matriculation or preliminary examination evidence that a student has passed any other satisfactory examination. R.S.O. 1914, c. 163, s. 13 (1). Matriculation.

(2)



Prior to  
entry as  
student.

(2) Such examination shall be passed prior to being entered as a student of dentistry. R.S.O. 1914, c. 163, s. 13 (2).  
*Amended.*

Curriculum  
for students,  
etc.

**13.**—(1) The Board may prescribe a curriculum of studies to be pursued by students, and fix and determine the period for which every student shall be articulated and employed under a duly licensed practitioner, the examination necessary to be passed and the fees to be paid to the treasurer before a certificate of license to practise dental surgery is issued.

Fees

Admission  
of other  
persons.

(2) The Board may prescribe the conditions upon which dentists residing elsewhere than in Ontario, and students and graduates from other dental colleges may be admitted to membership in the College. R.S.O. 1914, c. 163, s. 14.

Arrange-  
ments for  
education of  
students.

**14.** Subject to the approval of the Lieutenant-Governor in Council, the College may make arrangements with any university or college in Ontario for the use of any library, museum or property belonging to or under the control of such university or college, and may affiliate with any such university or college, and may enter into all arrangements necessary to that end upon such terms as may be agreed upon. R.S.O. 1914, c. 163, s. 15. *Amended.*

Qualification  
of certain  
practitioners.

**15.**—(1) All persons, being British subjects by birth or naturalization, who were engaged on the 4th day of March, 1868, in the practice of the profession of dentistry, or who, not having been residents of Ontario, had then had three years' experience in the practice of dentistry, shall be entitled to the certificate of "Licentiate of Dental Surgery," upon furnishing to the Board satisfactory proof of their having been so engaged, or having had such experience, passing the required examination and paying the prescribed fees.

Exemption  
of certain  
practitioners.

(2) All persons, being British subjects by birth or naturalization, who were continuously engaged for five years and upwards in established office practice, next preceding the 4th day of March, 1868, in the practice of the profession of dentistry in Ontario shall, upon satisfactory proof thereof, and upon payment of the prescribed fees, be entitled to such certificate without passing any examination. R.S.O. 1914, c. 163, s. 18.

Annual  
examina-  
tions.

**16.**—(1) The Board, once at least in every year, shall cause to be held at a time fixed by the Board, an examination of the candidates for certificates and such titles as the Board has authority to grant.

How and by  
whom  
conducted.

(2) At every such examination the candidates shall be examined orally or in writing or otherwise, by examiners to

be appointed for that purpose by the Board, in such subjects as the Board shall prescribe.

(3) The examiners shall receive such remuneration as may <sup>Fees of</sup> be fixed by the Board. <sup>examiners.</sup>

(4) Each examiner shall, if required, subscribe and take <sup>Declaration</sup> the following declaration: <sup>by examiners.</sup>

"I solemnly declare that I will perform my duty of Examiner without <sup>Form of de-</sup> fear, favour, affection or partiality towards any candidate, and that <sup>claration.</sup> I will not knowingly allow to any candidate any advantage which is not equally allowed to all."

R.S.O. 1914, c. 163, s. 19.

(5) The Board may dispense with such examination in <sup>Accepting</sup> the case of any person who proves to the satisfaction of the <sup>other</sup> Board that he has passed in any university or college an <sup>examination</sup> examination which the Board deems of equal value. <sup>as substitute.</sup> *New.*

**17.**—(1) If the Board is satisfied by the examination that <sup>Certificate of</sup> the candidate is duly qualified to practise the profession of <sup>qualification</sup> dental surgery, and that he is a person of integrity and <sup>to practise.</sup> good moral character, it shall, subject to the by-laws, grant <sup>Designation</sup> him a certificate of license and the title of "Licentiate of <sup>of</sup> Dental Surgery," which certificate and title shall entitle him <sup>"Licentiate"</sup> to all the rights and privileges conferred by this Act.

(2) The Board shall hold at least one meeting in each <sup>Annual</sup> year in the City of Toronto for the purpose of granting such <sup>meeting.</sup> certificates and titles and for the transaction of such other business as may properly come before it. R.S.O. 1914, c. 163, s. 20.

**18.** Every certificate of license shall be sealed with the <sup>Issue of</sup> corporate seal of the College and signed by the president <sup>certificate.</sup> and secretary of the Board; and the production of such certificate of license shall be *prima facie* evidence in all courts <sup>Effect.</sup> and upon all proceedings of its execution and contents. R.S.O. 1914, c. 163, s. 21.

**19.** The secretary of the Board shall, on or before the <sup>Return of</sup> 15th day of January in each year, transmit to the Provincial <sup>licenses</sup> Secretary a certified list of the names of all persons to whom <sup>granted.</sup> certificates of license have been granted during the year ending on the next preceding 31st day of December. R.S.O. 1914, c. 163, s. 22.

**20.** Every person desirous of obtaining a license to <sup>Prepayment</sup> practise dentistry in Ontario shall at least one month before <sup>of examina-</sup> the prescribed examination make application in the form <sup>tion fees.</sup> prescribed by the Board and pay to the treasurer the prescribed fees, and deliver to the secretary the treasurer's receipt for the

same, together with satisfactory evidence of his service under articles and compliance with the rules and regulations prescribed by the Board, and of his integrity and good morals. R.S.O. 1914, c. 163, s. 23. *Amended.*

#### ANNUAL FEES.

**Annual fees.** **21.**—(1) Every member of the College engaged in the practice of dental surgery in Ontario shall, on or before the first day of January in each year, pay to the treasurer, or to a person deputed by him to receive the same, such annual registration fee, not exceeding \$10, as may be prescribed by by-law of the Board, and such fee shall be recoverable by suit in the name of the Royal College of Dental Surgeons of Ontario in the division court of the division in which the member in default resides. R.S.O. 1914, c. 163, s. 24 (1). *Amended.*

**Result of default in payment of annual fee.** (2) For any services rendered in the practice of dental surgery while he is in default in respect of any annual fee a member shall not be entitled to recover in any court. R.S.O. 1914, c. 163, s. 24 (2).

**Default in payment of fee.** (3) Where default is made in payment of the annual fee and such default continues for a period of one month the license of a member so in default shall lapse but such license may be renewed thereafter upon payment of the fee and an additional sum not exceeding \$10. *New.*

#### PENALTY FOR PRACTISING WITHOUT LICENSE.

**Prohibition against practising without certificate.** **22.**—(1) No person who is not a member of the College shall, by himself or by any other person, practise the profession of dental surgery, or perform any dental operation upon or prescribe any dental treatment for any person for hire, gain or hope of reward whether by way of fees, salary, rent, percentage of receipts or in any other form, or shall pretend to hold or take or use any name, title, addition or description implying that he holds a certificate of license to practise dental surgery, or that he is a member of the College, or shall falsely represent or use any title representing that he is a graduate of any dental college or any title or description whatsoever which implies that he practises dentistry or any branch of dentistry or which contains the words "dentist," "dentistry," "dental" or any derivative of any such word or any letters, signs or abbreviation having the like significance. R.S.O. 1914, c. 163, s. 25 (1). *Amended.*

**Prohibition as to persons other than College establishing college, etc.** (2) No person, other than the College, shall carry on in Ontario any school, college, laboratory or other institution for training or imparting instruction in any branch of dentistry

but



but this shall not apply to any faculty of dentistry in a university in Ontario. *New.*

(3) Every person who contravenes any of the provisions of this section shall, for the first offence, incur a penalty of \$50, and for every subsequent offence a penalty of \$100, and he shall not be entitled to sue or recover in any court for any services which he performed, or materials which he provided, in the ordinary and customary work of a dental surgeon. R.S.O. 1914, c. 163, s. 25 (2). *Amended.* Penalties.

(4) This section shall not prevent any duly articulated student of dental surgery from receiving instruction in clinics and practice under the personal supervision of a member of the College. R.S.O. 1914, c. 163, s. 25 (3). Saving as to student.

(5) The penalties shall be paid over by the convicting justice to the treasurer of the College. R.S.O. 1914, c. 163, s. 25 (4). *Amended.* Recovery and application.

**23.** In any prosecution under section 22 the burden of proof of qualification shall be upon the defendant. R.S.O. 1914, c. 163, s. 26. Onus of proof.

#### SUSPENSION OR CANCELLATION OF CERTIFICATE.

**24.—**(1) The Board may suspend or cancel the certificate of license of a member of the College who has been heretofore or shall hereafter be convicted in Canada or elsewhere of an indictable offence if his conviction remains unreversed, or who has been or shall be guilty of any infamous, disgraceful or improper conduct in a professional respect; but this power shall not be exercised if the conviction is for a political offence committed out of His Majesty's Dominions, or for an offence which, though indictable, ought not, either from its nature or from the circumstances under which it was committed, to disqualify the person convicted from practising dentistry. Power of Board to suspend or cancel certificates. Saving.

(2) Where a member has been guilty of infamous, disgraceful or improper conduct in a professional respect the power conferred by subsection 1 may be exercised, notwithstanding that he has been acquitted of a criminal charge in respect of the same matter. R.S.O. 1914, c. 163, s. 27 (1, 2). Notwithstanding acquittal of criminal charge.

(3) The Board or the executive committee may of its own motion, and upon the application of any four members of the College shall, cause inquiry to be made into any case in which it is alleged that a member of the College has become liable to the suspension or cancellation of his certificate of license for any of the causes mentioned in subsection 1. R.S.O. 1914, c. 163, s. 27 (3). *Amended.* Inquiry by Board.

## DISCIPLINE COMMITTEE.

Discipline  
Committee.

**25.**—(1) The Board shall appoint and shall always maintain a discipline committee of its own body for the purpose of ascertaining the facts of each case which may become the subject of inquiry. R.S.O. 1914, c. 163, s. 27 (4). *Amended.*

Number of  
committee,  
quorum.

(2) The Committee shall consist of not more than five members, as the Board may prescribe, three of whom shall be a quorum. R.S.O. 1914, c. 163, s. 27 (5). *Amended.*

Secretary  
may be  
appointed a  
member of  
committee.

(3) The Board may by by-law provide that the secretary of the Board shall be a member of the committee. *New.*

By-laws as  
to tenure of  
office,  
proceedings.

(4) The Board may pass by-laws for determining the tenure of office of the members of the committee and for the regulation and conduct of its proceedings.

Time, place  
and notice of  
meetings.

(5) Subject to the provisions of this section and of the by-laws of the Board the committee may regulate the time and place for the holding, the manner of the convening and giving notice, and the conduct of its meetings.

Appoint-  
ments to  
fill vacancies.

(6) If a vacancy occurs in the membership of the committee the remaining members may appoint a member of the Board to fill the vacancy, and the member appointed shall hold office until the next meeting of the Board.

Quorum of  
committee.

(7) Notwithstanding any vacancy in the committee, so long as there are at least three members thereof, it shall be competent for the committee to exercise all or any of its powers.

Employment  
of assistance.

(8) The committee may employ, at the expense of the Board, for the purposes of any inquiry, such legal or other assistance as the committee may deem necessary.

Appearance  
by counsel.

(9) The member whose conduct is the subject of inquiry shall have the right to be represented by counsel. R.S.O. 1914, c. 163, s. 27. (6-11).

Place of  
meeting.

(10) All meetings of the committee for taking evidence or otherwise ascertaining the facts shall be held within the county or district in which the member whose conduct is the subject of inquiry resides unless such member and the Board agree to the meeting being held at the City of Toronto. R.S.O. 1914, c. 163, s. 27 (12). *Amended.*

Notice of  
meeting.

(11) At least ten days' notice of the meeting of the committee for taking the evidence or otherwise ascertaining the

facts shall be given to the member whose conduct is the subject of inquiry. R.S.O. 1914, c. 163, s. 27 (13). *Amended.*

(12) The notice shall contain a statement of the matter Contents of notice. which is to form the subject of the inquiry.

(13) The testimony of the witnesses shall be taken under oath, which the chairman or any member of the committee may administer, and there shall be full right to cross-examine all witnesses called and to adduce evidence in defence and in reply. Evidence on oath.

(14) If the person whose conduct is the subject of the inquiry though duly notified does not attend, the committee may proceed in his absence, and he shall not be entitled to notice of the future meetings or proceedings of the committee. Effect of non-appearance.

(15) The committee and any party to the proceedings may obtain on *præcipe* from the Supreme Court a subpoena for the attendance of witnesses and the production of books, documents and things, and disobedience thereof shall be deemed a contempt of court. Subpoenas.

(16) Witnesses shall be entitled to the like allowances as witnesses attending upon the trial of an action in the Supreme Court. Witness fees.

(17) The committee shall report to the Board the evidence adduced and the committee's findings thereon. Report.

(18) The Board may act upon the report of the committee and may make such order thereon as the Board may deem just. Acting upon report.

(19) Where the complaint is found to be frivolous or vexatious the Board may pay such costs as to it may seem just to a member whose conduct has been the subject of inquiry. R.S.O. 1914, c. 163, s. 27 (14-21). Costs of vexatious complaint.

(20) Where the Board directs the certificate of license of a member to be suspended or cancelled it may direct that the costs of and incidental to the inquiry be paid by such member, and after taxation of such costs by the Taxing Officer of the Supreme Court at Toronto, execution may issue out of the Supreme Court for the recovery thereof in like manner as upon a judgment in an action in that Court. R.S.O. 1914, c. 163, s. 27 (22). *Amended.* Costs of enquiry.

(21) The costs to be taxed and allowed against a member, including the costs of appeal, if any, shall as far as practicable be the same or the like costs, as in an action in the Supreme Court. Costs to be similar to those in action in Supreme Court.



Court and the Taxing Officer may also allow such fees and disbursements for work done or proceedings taken before notice of complaint as he may deem just. *New.*

No action to  
lie against  
Board or  
committee.

**26.** No action shall be brought against the Board or the committee or any member thereof for anything done in good faith under this Act on account of any want of form or irregularity in their proceedings, but a member whose certificate of license has been suspended or cancelled may, at any time within six months from the date of the decision of the Board, appeal from the decision of the Board to a divisional court. R.S.O. 1914, c. 163, s. 28.

Appeal from  
decision of  
Board.

Practice and  
procedure on  
appeal.  
Rev. Stat.  
c. 59.

**27.** The practice and procedure upon and in relation to an appeal shall be similar to that provided by *The County Courts Act* except that the proceedings and evidence shall be certified by the registrar to the Appellate Division. R.S.O. 1914, c. 163, s. 29. *Amended.*

Restoration  
of certificate.

**28.** The Board may direct the restoration of the certificate of license of any member whose certificate has been cancelled under the powers conferred by this Act upon such terms and conditions as the Board may deem just. R.S.O. 1914, c. 163, s. 30.

Action for  
malpractice,  
etc.

**29.** No duly registered member of the Royal College of Dental Surgeons shall be liable to any action for negligence or malpractice, by reason of professional services requested or rendered, unless such action is commenced within six months from the date when in the matter complained of such professional services terminated. *New.*

Saving as to  
qualified  
medical  
practitioners.  
Rev. Stat.  
c. 161.

**30.** Nothing in this Act shall affect or interfere with the rights and privileges conferred upon legally qualified medical practitioners by *The Ontario Medical Act*. R.S.O. 1914, c. 163, s. 31.

Rev. Stat.  
c. 163,  
1920, c. 46,  
repealed.

**31.** *The Dentistry Act*, being chapter 163 of the Revised Statutes of Ontario, 1914, and *The Dentistry Act, 1920*, being chapter 46 of the Statutes of 1920, are hereby repealed.

## SCHEDULE A.

## ELECTORAL DISTRICTS.

Electoral District No. 1 shall consist of the following counties: Addington, Carleton, Dundas, Frontenac, Glengarry, Grenville, Lanark, Leeds, Lennox, Prescott, Russell, Renfrew and Stormont.

Electoral District No. 2 shall consist of the following counties: Durham, Haliburton, Hastings, Muskoka, Northumberland, Ontario, Prince Edward, Peterborough, and Victoria.

Electoral District No. 3 shall consist of the following counties and districts: Algoma, Kenora, Manitoulin, Nipissing, Parry Sound, Rainy River, Sudbury, Thunder Bay and Temiskaming.

Electoral District No. 4 shall consist of the City of Toronto.

Electoral District No. 5 shall consist of the following counties: Bruce, Dufferin, Grey, Huron, Perth and Simcoe.

Electoral District No. 6 shall consist of the following counties: Elgin, Essex, Kent, Lambton and Middlesex.

Electoral District No. 7 shall consist of the following counties: Brant, Haldimand, Norfolk, Oxford, Waterloo and Wellington.

Electoral District No. 8 shall consist of the following counties: Halton, Lincoln, Peel, Welland, Wentworth and York (except Toronto). *New.*

## FORM I.

(Section 6.)

## VOTING PAPER.

Electoral District No. \_\_\_\_\_ Election 19 \_\_\_\_\_  
 I, \_\_\_\_\_ of the \_\_\_\_\_ of  
 in the County or District of \_\_\_\_\_ member of the  
 Royal College of Dental Surgeons of Ontario, declare:

1. That the signature affixed hereto is my proper handwriting.

2. That I am a voter in the Electoral District No. \_\_\_\_\_ and that  
 I vote for \_\_\_\_\_ of the \_\_\_\_\_ of \_\_\_\_\_ in the  
 county or district of \_\_\_\_\_ a member of the Royal College of Dental  
 Surgeons of Ontario and an elector in said Electoral District to be a  
 member of the Board of Directors of the College for the said district.

3. That I have not in this election signed any other voting paper and  
 that this voting paper was executed on the day of the date thereof.

Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_ .

R.S.O. 1914, c. 163, Form I.

## CHAPTER 47.

## An Act respecting Private Detectives.

*Assented to 8th April, 1926.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**Short title.**      **1.** This Act may be cited as *The Private Detectives Act, 1926.*

**License required.**      **2.** No person shall engage in the business of a private detective, industrial service agency or an investigator, for hire or reward, or advertise or indicate in any letter, document or paper that he is engaged in any such business without having first obtained from the Treasurer of Ontario a license so to do as hereinafter provided. 1922, c. 58, s. 2, *part.*

**License to information bureau or agency.**      **3.** No person shall engage in the business of furnishing or supplying for hire or reward, information as to the personal character of any person or as to the character or kind of business or occupation of any person or own or conduct or maintain a bureau or agency for any of the above-mentioned purposes without first having obtained from the Treasurer of Ontario as hereinafter provided a license so to do for each bureau or agency and for each and every sub-agency, office and branch office, owned, conducted or maintained by such person for the conduct of such business. 1922, c. 58, s. 2, *part.*

**Exception as to mercantile agencies.**      **4.** Nothing in the two next preceding sections shall apply to or affect any person carrying on a business or agency for the purpose of supplying information to subscribers as to the financial rating of persons or firms. 1922, c. 58, s. 2, *part.*

**Application.**      **5.** Any person desiring the license in sections 2 and 3 of this Act mentioned shall apply in writing (Form 1) to the Treasurer of Ontario and shall enter into a bond, approved by the Treasurer, with two sufficient sureties or executed by a guarantee company, in the sum of \$3,000 for the faithful, honest and lawful conduct of such business by such applicant. R.S.O. 1914, c. 177, s. 3; 1922, c. 58, s. 3. *Amended.*

**Security.**      **6.** The Treasurer of Ontario, upon such application and  
**Issue of license.**      upon



upon such further inquiry and investigation as he may deem proper of the character and competency of the applicant and upon approving the bond in section 5 mentioned and upon receiving from the applicant the fee of \$300 may issue and deliver to such applicant a license (Form 2) to conduct such business for the term of one year from the date thereof, and such license may be renewed annually on a further payment of \$300 per annum, but shall be revocable at any time by the Treasurer for cause. R.S.O. 1914, c. 177, s. 4; 1914, c. 21. s. 37.

**7.** Immediately upon the receipt of the license the licensee named therein shall cause such license to be posted up and at all times displayed in a conspicuous place in the bureau, agency, sub-agency, office or branch for which it is issued. 1916, c. 34, s. 1, *part*. License to be posted up in office.

**8.** In case of removal of the bureau, agency, sub-agency, office or branch of a licensee to a place other than that described in the license, he shall, within twenty-four hours immediately following such removal, give written notice of such removal to the Treasurer of Ontario, which notice shall describe the premises to which removal is made. 1916, c. 34, s. 1, *part*. Notice of removal of office, etc.

**9.** Every corporation licensed under this Act shall make and file with the Provincial Secretary annually on or before the 8th day of February in each year, a summary statement containing the like particulars and information and verified in the like manner as required in the case of a corporation to which section 135 of *The Ontario Companies Act* applies, and in default shall incur the same penalties provided in cases of default in compliance with the said section and no renewal license shall be issued until the statement has been filed. 1919, c. 40, ss. 2, 3. *Amended*. Returns to be made by licensees.

**10.** A license shall not be required by an employee of a duly licensed private detective but every licensed private detective shall be responsible for the conduct of his employees. R.S.O. 1914, c. 177, s. 5. *Amended*. Saving as to employees of detectives.

**11.** Every licensee shall keep a record of all operatives employed by him which record shall be open for inspection at all times by the Commissioner of the Ontario Provincial Police. 1922, c. 58, s. 5. *Amended*. Returns as to employees of licensees.

**12.** A person while holding the position of a provincial or county constable shall not do any of the things for which a license is required by sections 2 and 3 of this Act. R.S.O. 1914, c. 177, s. 6. *Amended*. Provincial or county constables not to act as detectives.

Saving  
as to legal  
profession.

**13.** This Act shall not apply to barristers, solicitors or their employees in the regular practice of their profession. R.S.O. 1914, c. 177, s. 8; 1916, c. 34, s. 3.

Information  
acquired to  
be con-  
fidential.

**14.** A person who is or has been a licensee under this Act or the employee of a licensee shall not divulge to anyone other than his employer or as his employer may direct, except as he may be required by law, any information acquired by him during such employment in respect of any of the work to which he shall have been assigned by his employer. 1916, c. 34, s. 2. *Amended.*

Licensees  
not to be  
collectors.

**15.** A licensee under this Act shall not act as a collector of accounts, or undertake, or hold himself, or advertise as undertaking to collect accounts for any person either with or without remuneration. 1922, c. 58, s. 4.

Penalty.

**16.** Any person doing anything in contravention of this Act shall incur a penalty of not less than \$200 or more than \$500. R.S.O. 1914, c. 177, s. 7. *Amended.*

Repeal.

**17.** The Acts and parts of Acts set out in Schedule "A" are repealed.

Commence-  
ment of  
Act.

**18.** This Act shall come into force on the day upon which it receives the Royal Assent.

## SCHEDULE "A"

R.S.O. 1914, Chapter 177—The Whole.  
1914, Chapter 21—Section 37.  
1916, Chapter 34—The Whole.  
1919, Chapter 40—The Whole.  
1922, Chapter 58—The Whole.

## SCHEDULE "B"

FORM 1.

(Section 5.)

FORM OF APPLICATION FOR LICENSE.

AN ACT RESPECTING PRIVATE DETECTIVES.

I, \_\_\_\_\_ of the \_\_\_\_\_  
of \_\_\_\_\_ in the County of \_\_\_\_\_  
apply for a license under the said Act to engage in the business of a private  
detective and furnishing information as provided in the said Act. I  
propose to carry on business at the City of \_\_\_\_\_  
in premises known as No. \_\_\_\_\_ Street.

I am of the full age of \_\_\_\_\_ years. My present occupation  
 is \_\_\_\_\_ My former  
 occupations were \_\_\_\_\_ The following  
 persons and no others are associated with me in the proposed detective  
 business:—

For reference I submit the names of three parties as follows:—

Dated the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_

To the Honourable  
 The Provincial Treasurer.

1916, c. 34, s. 4.

FORM 2.

(Section 6.)

# AN ACT RESPECTING PRIVATE DETECTIVES.

Pursuant to the provisions of this Act, I hereby grant permission  
 to \_\_\_\_\_ of the \_\_\_\_\_ of \_\_\_\_\_ in the County  
 of \_\_\_\_\_ to carry on the business of a private detective and  
 furnishing information under the provisions of the said Act.

This license is to be in force for one year from this date.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_

Provincial Treasurer.

R.S.O. 1914, c. 177, Form 2.



## CHAPTER 48.

## An Act to amend The Ontario Companies Act.

*Assented to 8th April, 1926.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

**1.** This Act may be cited as *The Ontario Companies Act, 1926*.

Rev. Stat.  
c. 178, s. 3,  
amended.

**2.** Section 3 of *The Ontario Companies Act* is amended by adding thereto the following subsection,—

Private  
companies  
for manage-  
ment of  
estates.

(2) Notwithstanding anything in the first subsection contained a private company may be incorporated under this Act with power to lend and invest money on mortgage or real estate or otherwise, and shall not by reason thereof be deemed a corporation within the meaning of *The Loan and Trust Corporations Act*, but the number of its shareholders shall be limited by its Letters Patent or Supplementary Letters Patent to five, and no such company shall issue bonds, debentures or debenture stock, or borrow money by the hypothecation of its securities except from the shareholders of the said company or receive money on deposit; provided that any such company shall be liable to payment of taxes as a loan corporation under section 4 of *The Corporations Tax Act*.

Rev. Stat.  
c. 178  
amended.

**3.** *The Ontario Companies Act* is amended by adding the following section,—

Liability of  
shareholders  
after sur-  
render of  
charter to  
creditors.

**32a.**—(1) Notwithstanding the dissolution under section 32 before or after the coming into force of this section of a company, the shareholders or members among whom its assets have been divided shall, to the amount received by them respectively upon such division, remain liable to the creditors of the company and an action may be brought in any court of competent jurisdiction to enforce such liability, but such action shall be commenced within and not after one year from,—

- (a) the date upon which this section came into force in the case of a company which was so dissolved prior to such date; and
- (b) the date of such dissolution of the company in all other cases.

- (2) When there are numerous shareholders or members the court may permit an action to be brought against one or more on representation of the class and if the plaintiff establishes his claim as creditor make an order of reference to add as parties in the Master's office all such shareholders or members as may be found and to determine the amount which each should contribute towards the plaintiff's claim and may direct payment of the sums so to be ascertained.

4. The clause lettered *b* of subsection 1 of section 116 of *The Ontario Companies Act* is amended by inserting after the word "writing" in the third line the words "or notarial copy thereof."

Rev. Stat.  
c. 178, s. 116,  
subs. 1, ol. b,  
amended.

5. Section 215 of *The Ontario Companies Act* as enacted by section 10 of *The Ontario Companies Amendment Act, 1924*, is amended by adding thereto the following subsection,—

Rev. Stat.  
c. 178, s. 215,  
(1924, c. 47,  
s. 10),  
amended.

- (5) The provisions of subsection 3 of section 16 of this Act shall not apply to a joint stock insurance company heretofore or hereafter incorporated under the laws of Ontario.

Increase  
of capital.

6. This Act shall come into force on the day upon which it receives the Royal Assent.

Commence-  
ment of  
Act.

## CHAPTER 49.

## An Act to amend The Ontario Insurance Act, 1924.

*Assented to 8th April, 1926.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title      **1.** This Act may be cited as *The Ontario Insurance Act, 1926.*

1924, c. 50,  
s. 13,  
amended.      **2.** Section 13 of *The Ontario Insurance Act, 1924*, is amended by adding the following subsection:

Certificate.      (4) The Superintendent shall certify to the Registrar of the Appellate Division of the Supreme Court the decision appealed from, his reasons therefor, and the documents, inspection reports, and evidence, if any, and such other information as he had before him in making the said decision.

1924, c. 50,  
s. 21, subs. 5  
(1925, c. 54,  
s. 6)  
amended.      **3.** Subsection 5 of section 21 of *The Ontario Insurance Act, 1924*, as enacted by section 6 of *The Ontario Insurance Act, 1925*, is amended by adding thereto the following clause:

(c) a trade union in Ontario which, under the authority of its incorporating Act or charter, has an assurance or benefit fund for the benefit of its own members exclusively.

1924, c. 50,  
s. 24, subs. 1,  
amended.      **4.** Subsection 1 of section 24 of *The Ontario Insurance Act, 1924*, is amended by inserting after the words "property insurance" in the eleventh line, the words "credit insurance," so that the subsection will now read as follows.

Classes of insurance.      **1.** Subject to provisions of Parts of this Act particularly relating to classes of insurers mentioned in the preceding section, a license may be granted to an insurer to carry on any one or more of the following classes of insurance: Life insurance, accident insurance, sickness insurance, sick and funeral benefits,



fire insurance, inland marine insurance, ocean marine insurance, inland transportation insurance, automobile insurance, guarantee insurance, liability insurance, hail insurance, weather insurance, live stock insurance, steam boiler insurance, plate glass insurance, explosion insurance, burglary insurance, bond insurance, property insurance, credit insurance and forgery insurance.

5. Subsection 6 of section 25 of *The Ontario Insurance Act*, 1924, c. 50, s. 25, subs. 6, 1924, is repealed. repealed.

6. *The Ontario Insurance Act*, 1924, is amended by adding 1924, c. 50, thereto the following section: amended.

35a. It shall be duty of the Superintendent to report Report on violation of Act. to the Minister any violation of any of the provisions of this Act by any insurer licensed thereunder and thereupon the Minister may, in his discretion, suspend or cancel or refuse to renew the insurer's license.

7. Subsection 2 of section 36 of *The Ontario Insurance Act*, 1924, c. 50, 1924, as enacted by section 7 of *The Ontario Insurance Act*, s. 36, subs. 2, (1925, c. 54, s. 7) 1925, is amended by striking out the following words: "or amended. to an insurer which has upon deposit with the government of the Province of Canada in which its head office is situate approved securities in the amount of not less than \$50,000." so that the subsection will now read as follows:

(2) The provisions of sections 37 to 63 shall not apply Application to Dominion licenses, to an insurer carrying on the business of insurance under license of the Dominion of Canada.

8. Subsection 1 of section 40 of *The Ontario Insurance Act*, 1924, c. 50, 1924, is amended by striking out the words "or has made a amended. deposit of the amount required in the preceding subsection with any other province of Canada" in the fourth and fifth lines thereof, so that the subsection will now read as follows:

(1) Where it is made to appear that any such insurer, Withdrawal of deposit in certain cases. having made a deposit with the Minister, is carrying on the business of insurance under license of the Dominion of Canada, the insurer shall be entitled to withdraw the deposit with the Minister.

9. *The Ontario Insurance Act*, 1924, is amended by adding 1924, c. 50, thereto the following sections: amended.

Meaning of  
"contracts"  
under and  
application  
of ss. 42a to  
42c.

42a.—(1) In sections 42b and 42c the expression "contracts" shall in relation to any other province of the Dominion have the meaning assigned to it by the Act of that province under which insurers are licensed to carry on the business of insurance.

(2) This section and sections 42b and 42c shall be applicable notwithstanding that the insurer is or may become licensed in one province for classes of insurance different from those for which it is or may become licensed in another province.

Sole deposit  
of insurer  
in this  
province.

42b.—(1) Where an insurer has its head office for the Dominion in this province and makes a deposit under this Act for the purposes of this section, by virtue whereof the insurer will not be required to make a deposit in another province in which it is or may become licensed to undertake insurance, the following provisions shall have effect, and to the extent that they are inconsistent with any other provision of this Act shall prevail over that provision, namely:

- (a) The amount of the deposit to be made and maintained by the insurer shall be fixed by the Lieutenant-Governor in Council, and shall be not less than fifty thousand dollars;
- (b) The deposit shall be held and administered as security *pari passu* for its contracts in this province and its contracts in any other province where it is or may become licensed to undertake insurance, and as security also for all fees, taxes, and costs payable by it to this and any other province;
- (c) The Minister shall, upon the request of the official who issues or proposes to issue a license to the insurer in another province, certify under his hand that the deposit is held in manner provided by clause b, and the Superintendent shall forward the certificate to that official and a copy to the Superintendent of Insurance in each province;
- (d) Where, with respect to the outstanding contracts of the insurer, it appears to the Superintendent from the annual statement under section 65 or any examination of the affairs of the insurer that a further deposit for the purposes of this section is necessary, or where

it appears to the Superintendent of Insurance for another province in which the insurer is licensed from any annual report made to him by the insurer or any examination of the affairs of the insurer that a further deposit for the purposes of this section is necessary, and such Superintendent requests the Superintendent to obtain a further deposit, the insurer shall forthwith deposit such further sum as the Lieutenant-Governor in Council may fix;

- (e) If the insurer obtains a Dominion license extending to this or another province the Minister may, on the request of the insurer, authorize the Superintendent to deliver to the insurer or to transfer to the Minister of Finance for the Dominion the whole or part of such deposit as the Minister thinks fit, having regard to the extent of the Dominion license;
- (f) Where the license of the insurer is suspended or cancelled under this Act, the Superintendent shall give immediate notice to the Superintendent of Insurance in each province;
- (g) Where the insurer ceases to carry on insurance business in the Dominion and its deposit may be withdrawn under this Act, or where its deposit becomes liable to administration under this Act, the Superintendent shall notify the Superintendent of Insurance in each province, and all claims and liabilities arising in any such province shall be verified by the Superintendent of Insurance there and a statement thereof communicated to the Superintendent;
- (h) Where the insurer withdraws from, or its license is suspended or cancelled in, or its deposit becomes liable to administration under the law of another province, and notice thereof is given to the Superintendent, the Minister and the Superintendent shall, upon request of the Superintendent of Insurance in that province, take such steps as would be taken if the insurer were withdrawing from, or its license were suspended or cancelled in, or its deposit had become liable to adminis-



tration in this province, and all claims and liabilities arising in that province shall be verified by the Superintendent of Insurance there and a statement thereof communicated to the Superintendent.

- (2) The insurer shall not change the situation of its head office to another province without the consent of the Minister; but where the Minister so consents he may authorize the Superintendent to transfer the insurer's deposit to the Minister responsible for the deposit in that province, or to the insurer, as the Minister in that province requests.

Sole deposit  
of insurer  
in another  
province.

- 42c.—(1) Where the insurer has its head office for the Dominion in another province and there makes a deposit of such amount as shall be fixed by the proper authority in that province, and which shall not be less than fifty thousand dollars, and which deposit is under the laws of that province held as security *pari passu* for its contracts in that province and its contracts in this and any other province where it is or may become licensed to undertake insurance, and as security also for all fees, taxes, and costs payable by it to each province, the Minister, upon receipt of a certificate from the Minister of that province responsible for the deposit that the deposit is and will be so held as aforesaid, and of the consent of the insurer to its being so held, shall exempt the insurer from the provisions of this Act requiring it to make and maintain a deposit.

- (2) Where the deposit of the insurer becomes liable to administration for the purpose of satisfying its claims and liabilities arising in this province, the Superintendent shall, by notice in the *Ontario Gazette* or otherwise at the cost of the insurer, ascertain and advertise for particulars of all outstanding contracts of and claims against the insurer, verified in such manner as may seem advisable to him and shall upon receipt of the same properly verified communicate a statement thereof to the Superintendent of Insurance for the province holding the deposit, with particulars of any other liabilities for which the deposit is held as security.

- (3) Where a licensed insurer is exempted under this section, the Minister shall transfer its deposit under this Act to the Minister responsible for the deposit in the province in which the insurer has its head

office and which will hold the deposit, or to the insurer, as that Minister requests.

- (4) Every provision of this section shall prevail over any provision of this Act to the extent that it is inconsistent with such other provision.

42d.—(1) The Lieutenant-Governor in Council may, on being satisfied that any other province has enacted provisions identical with or substantially the same as sections 42a to 42c, direct by Order-in-Council that those sections shall apply to that province, and may from time to time, by Order, revoke or alter any such Order-in-Council. Power to apply ss. 42a to 42c to other provinces.

- (2) Every Order-in-Council under this section shall be published in the *Ontario Gazette*, and a copy shall be sent to the Superintendent of Insurance in each province.

**10.** Subsection 2 of section 44 of *The Ontario Insurance Act, 1924*, is repealed. 1924, c. 50, s. 44, subs. 2, repealed.

**11.** Subsection 2 of section 45 of *The Ontario Insurance Act, 1924*, is repealed. 1924, c. 50, s. 45, subs. 2 repealed.

**12.** Subsection 3 of section 46 of *The Ontario Insurance Act, 1924*, is amended by striking out the words "and where the deposit is by virtue of reciprocal legislation in another province, held for the benefit of policyholders resident in such province upon the Superintendent of Insurance or Minister in charge of Department of Insurance in such province" at the end thereof, so that the subsection will now read as follows: 1924, c. 50, s. 46, subs. 3, amended.

- (3) No order for administration shall be made unless and until at least two clear days' notice of the intention of the Superintendent to make such an order or of the application for such an order has been served upon the insurer, or where the insurer is in liquidation, upon the liquidator of the insurer. Notice.

**13.** Subsection 3 of section 68 of *The Ontario Insurance Act, 1924*, as amended by subsection 2 of section 9 of *The Ontario Insurance Act, 1925*, is further amended by adding after the word "fraternal" in the first line, the words "or mutual benefit," so that the subsection will now read as follows: 1924, c. 50, s. 68, subs. 3, amended.

Fraternal  
and mutual  
benefit  
societies.

- (3) In the case of a fraternal or mutual benefit society, any licensed society or any branch or lodge thereof may, subject to its constitutions or rules, acquire and hold absolutely for its own use and benefit such real estate as is necessary for the transaction of its business or *bona fide* mortgaged to it by way of security and when so authorized by the Lieutenant-Governor in Council, may acquire and hold or construct a building larger than is required for the transaction of its business and may lease any part of such building not so required, and may hold such real estate as is acquired by it by foreclosure or in satisfaction of a debt, and may sell, mortgage, lease or otherwise dispose of the same; but the society, branch or lodge shall sell any such last mentioned real estate within seven years after it has been so acquired.

1924, c. 50,  
s. 76, subs. 5,  
repealed.

- 14.** Subsection 7 of section 76 of *The Ontario Insurance Act, 1924*, is repealed and the following substituted therefor:—

Application.

- (7) This section shall not apply to contracts of fire or automobile insurance.

1924, c. 50,  
s. 89, subs. 3,  
repealed.

- 15.** Subsection 3 of section 89 of *The Ontario Insurance Act, 1924*, is repealed and the following substituted therefor:—

Insurance  
of auto-  
mobiles.

- (3) An insurer licensed under this Act for the transaction of fire insurance may insure an automobile against loss or damage by fire under a fire insurance policy; provided that in the case of a purely mutual fire insurance corporation, incorporated or licensed in Ontario and carrying on business on the premium note plan, such automobile shall be specifically insured under a policy separate from that insuring other property.

1924, c. 50,  
s. 164, subs.  
1, amended

- 16.** Subsection 1 of section 164 of *The Ontario Insurance Act, 1924*, is amended by striking out the words "three years" in the second line and substituting therefor the words "one year" so that the subsection will now read as follows,—

Term of  
contract.

- (1) No contract shall be made for a term exceeding one year, but any contract may be renewed by the delivery of a new policy, a renewal receipt or a new premium note.

1924, c. 50,  
s. 165,  
repealed.

- 17.** Section 165 of *The Ontario Insurance Act, 1924*, as amended by sections 16 and 17 of *The Ontario Insurance Act, 1925*, is repealed and the following substituted therefor:—



- 165.—(1) No insurer shall make any contract for a <sup>Written application required.</sup> period exceeding fourteen days without a written application therefor, signed by the applicant or his agent, duly authorized in writing, and no statement of the applicant shall be used in defence of a claim under any contract unless it is contained in such a written and signed application.
- (2) In the preceding subsection the expression "agent" shall be deemed to exclude an automobile finance or acceptance corporation, an automobile dealer, an insurance agent or broker, and any officer or employee of such corporation, dealer, agent or broker.
- (3) Every written application shall set forth the name, address and occupation or business of the applicant, the description of the automobile, its purchase price to the applicant, and whether fully paid or not, whether purchased new or otherwise, particulars of any mortgage, lien or other encumbrance thereon, the place where the automobile is and will be usually kept, the purpose for which and the locality where it is and will be chiefly used, the fact of any accident in which any automobile owned or operated by the applicant has within the last three years preceding the application been involved, particulars of any claim made against or by the applicant in respect of the ownership or operation of any automobile within such period, whether any insurer has cancelled any automobile policy of the applicant or refused automobile insurance to the applicant, and such further information as the insurer may require.
- (4) Where the particulars required by subsection 3 are in the opinion of the Superintendent inapplicable to any special form of contract, the Superintendent may approve a modified form of application appropriate to the nature of the contract.
- (5) Upon every written application there shall be printed or stamped in conspicuous type, not less in size than ten-point, and in red ink, the following words:—
- "If the applicant falsely describes the property to the prejudice of the insurer or knowingly misrepresents or conceals or omits to communicate any circumstances required by this application to be made known to the insurer, the contract shall be void as to the property insured or risk undertaken in respect of which the misrepresentation or omission is made."

(6) A copy of the application or such part thereof as is material to the contract shall be endorsed upon or attached to the policy when issued by the insurer.

(7) This section shall not apply to the renewal of a contract under section 164.

1924, c. 50,  
s. 175,  
amended.

**18.** Section 175 of *The Ontario Insurance Act, 1924*, is amended by adding at the end thereof the following words: "and in such case the provisions of this Part shall not apply," so that the section as amended will now read as follows:—

Coverage  
under fire  
policy.

175. Notwithstanding anything in this Part contained, an automobile may be insured under a fire insurance policy against loss or damage by fire as provided in subsection 3 of section 89, and in such case the provisions of this Part shall not apply."

1924, c. 50,  
s. 182,  
amended.

**19.** Section 182 of *The Ontario Insurance Act, 1924*, is amended by striking out the following words at the end thereof: "contained in section 180 of *The Ontario Insurance Act, 1924*," so that the section will now read as follows:—

Ticket  
policy.

182. Where a policy of accident insurance is issued in the form of a ticket through the agency of a railway corporation, the statutory conditions set out in section 180 of this Part need not be printed on the ticket if such policy contains the following notice printed in conspicuous type: "This policy is issued subject to the statutory conditions respecting contracts of accident insurance."

1925, c. 50,  
s. 225, cl. b,  
repealed.

**20.** The clause lettered *b* in section 225 of *The Ontario Insurance Act, 1924*, is repealed and the clause lettered *c* thereof re-lettered clause *b*.

1924, c. 50,  
s. 242,  
amended.

**21.**—(1) Section 242 of *The Ontario Insurance Act, 1924*, is amended by striking out the word "two" in the third line and substituting therefor the words "one and one-third" so that the section will now read as follows:

Annual Tax.

242. The attorney shall, on or before the first day of March in each year, pay to the Treasurer of Ontario for the use of the province, an annual tax equal to one and one-third per centum of the gross premiums or deposits collected from subscribers in respect of risks located in Ontario during the preceding calendar year after deducting returns for cancellations, considerations for re-insurances with licensed insurers and all amounts returned to sub-

scribers or credited to their accounts as savings during such year.

(2) This section shall be read and construed as though it had come into force on the 1st day of January, 1925. Commencement.

**22.**—(1) Subsection 3 of section 244 of *The Ontario Insurance Act, 1924*, is amended by striking out the words "a fee of three dollars" in the fourth line and substituting therefor the words "the prescribed fee," so that the subsection will now read as follows: 1924, c. 50, s. 244, subs. 3, amended.

(3) Upon written notice to the Superintendent that a licensed insurer has appointed a person to act as his agent in Ontario and upon due application of such person and payment by him of the prescribed fee, the Superintendent shall, if he is satisfied that the applicant is a suitable person to receive a license and intends to hold himself out publicly and carry on business in good faith as an insurance agent, issue to the applicant a license which shall state in substance that the holder is, during the term of the license, authorized to carry on within Ontario the business of an insurance agent. Issue of license.

(2) The said section 244 is amended by adding thereto the following subsection: 1924, c. 50, s. 244, amended.

9a. The representative of the Superintendent upon the advisory board shall act as chairman and for the purposes of his duties in connection with the investigation and hearing contemplated by the preceding subsection, shall have the same powers as are vested in the Superintendent by section 5 of this Act. Chairman of Board.

(3) Subsection 13 of the said section 244 as enacted by section 30 of *The Ontario Insurance Act, 1925*, is repealed and the following substituted therefor: 1924, c. 50, s. 244, subs. 13, (1925, c. 54, s. 30), repealed.

(13) A member of a duly licensed fraternal society other than a salaried employee who receives commission, or a member of a mutual fire, weather or live stock insurance corporation, carrying on business solely on the premium note plan, may, without a license, solicit persons to become members of such society or corporation. Members of fraternal societies and certain mutual.

**23.** *The Ontario Insurance Act, 1924*, is amended by adding thereto the following section: 1924, c. 50, amended.



Limited or  
conditional  
license.

258a. A license may be issued to an agent or adjuster subject to such limitations and conditions as the Superintendent may prescribe.

1924, c. 50,  
s. 260,  
amended.

**24.** Section 260 of *The Ontario Insurance Act, 1924*, as amended by section 34 of *The Ontario Insurance Act, 1925*, is further amended by adding thereto the following subsections:

Changes in  
rates.

(3) Every rating bureau and every licensed insurer shall give to the Superintendent at least ten days notice of any change in the schedules of rates or rules applicable thereto, filed with the Superintendent pursuant to the preceding subsection, and shall file with the Superintendent amended schedules duly verified under oath showing particulars of all such changes before the effective date thereof.

Penalty for  
deviation  
from filed  
rate.

(4) Any rating bureau or licensed insurer which, having filed its schedules of rates pursuant to this section, fixes, makes or charges any rate or receives any premium which deviates from the schedules of rates fixed and filed with the Superintendent for, and the rules applicable to, any risk or class of risks, shall be guilty of an offence.

1924, c. 50,  
s. 262, subs.  
1 amended.

**25.**—(1) Subsection 1 of section 262 of *The Ontario Insurance Act, 1924*, as amended by section 36 of *The Ontario Insurance Act, 1925*, is further amended by inserting after the word “exists” in the second line, the words “or upon such information filed with him as the Superintendent deems sufficient to justify an investigation” and by striking out the words “in connection therewith” in the sixth line, so that the subsection will now read as follows:—

Authority  
to require  
information  
to be filed.

(1) The Superintendent may on written complaint by an insurer or an insured that discrimination exists, or upon such information filed with him as the Superintendent deems sufficient to justify an investigation, give notice in writing to a rating bureau or insurer, requiring such rating bureau or insurer to file with the Superintendent any schedules of rates or particulars showing how any specific rate is made up and any other information which he deems necessary or desirable.

1924, c. 50,  
s. 262, subs.  
7 amended.

(2) Subsection 7 of section 262 is amended by striking out the words “thirty days” in the second line and substituting therefor the words “ten days” so that the subsection will now read as follows,—

(7) Any order made under this section shall not take effect for a period of ten days after its date and shall

be subject to appeal within that time in the manner provided by section 13 of this Act and in the event of an appeal the order of the Superintendent shall not take effect pending the disposition of the appeal.

**26.** This Act shall come into force on the day upon which it receives the Royal Assent.

Commence-  
ment of  
Act.

## CHAPTER 50.

## An Act to amend The Loan and Trust Corporations Act.

*Assented to 8th April, 1926.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

**1.** This Act may be cited as *The Loan and Trust Corporations Act, 1926*.

Rev. Stat.  
c. 184,  
amended.

**2.**—(1) *The Loan and Trust Corporations Act* is amended by adding thereto the following:—

Powers of  
company as  
to benefit  
funds, etc., for  
employees  
and their  
families.

**20a.** A corporation shall possess as incidental and ancillary to the powers set out in its Letters Patent, power to

- (a) establish and support or aid in the establishment and support of associations, institutions, funds, trusts and conveniences calculated to benefit employees or ex-employees of the company, or its predecessors in business, or the dependents or connections of such persons; and grant pensions and allowances, and make payments towards insurance, and subscribe or guarantee money for charitable or benevolent objects, or for any exhibition or for any public, general or useful object.

Schemes  
heretofore  
established.

(2) This section shall apply to and be deemed to validate any death benefit or pension schemes formulated or in existence at the time of the passing of this Act.

Commence-  
ment of  
Act.

**3.** This Act shall come into force on the day upon which it receives the Royal Assent.



## CHAPTER 51.

## An Act to amend The Ontario Telephone Act.

*Assented to 8th April, 1926.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**1.** This Act may be cited as *The Ontario Telephone Amend- Short title.  
ment Act, 1926.*

**2.** Section 3 of *The Ontario Telephone Act, 1918*, as enacted <sup>1918, c. 31.</sup> s. 3, by 1921, c. 62, s. 2, is amended by adding after the word <sup>s. 3,</sup> amended. "every" in the first line the word "urban," so that the first part of the section will now read as follows,—

3.—(1) The corporation of every urban municipality may establish and carry on a telephone business as a public utility,

**3.** The clause lettered (b) in section 3e of *The Ontario 1918, c. 31.* *Telephone Act, 1918*, as enacted by 11 Geo. V, c. 62, s. 2, is <sup>3e,</sup> amended. amended by adding at the end thereof, the words

"or where it is made to appear to the board that the net revenue derived from such telephone system justifies the construction of such extension or improvement."

so that the clause will now read as follows,—

(b) Such approval may be given if it is shown to the satisfaction of the board that the expenditure proposed to be made for any such extension or improvement, or for the completion of such telephone system or such purchase or acquisition is necessary, and that a sufficient revenue or sufficient additional revenue will be derived therefrom to meet the annual payments in respect of such debt and the interest thereon, or where it is made to appear to the board that the net revenue derived from such telephone system justifies the construction of such extension or improvement. 11 Geo. V, c. 62, s. 2. *Amended.*

1918, c. 31,  
s. 14,  
amended.

4. Section 14 of *The Ontario Telephone Act, 1918*, is amended by adding after the words "present at a" in the second line, the word "special," so that the section will now read as follows,—

14. The initiating municipality shall, with the approval of a majority of the subscribers present at a special general meeting duly called, determine the location of any exchange or switchboard of the system, and any relocation of the same from time to time.

1918, c. 31,  
s. 23,  
amended.

5. Section 23 of *The Ontario Telephone Act, 1918*, is amended by adding after the word "may" in the sixth line, the words "upon the petition of a majority of the subscribers," so that the first part of the section will now read as follows,—

23. Where the debentures of the initiating municipality heretofore issued to pay for the cost of establishing or extending a system are payable within ten years from the date of issue, then, notwithstanding anything in any Act or in the by-law authorizing the issue of such debentures, the council of such initiating municipality may, upon the petition of a majority of the subscribers, by by-law, provide that a portion or portions of the principal of such debentures to fall due in any year or years may at maturity be liquidated by the issue of new debentures of the municipality,

1918, c. 31,  
s. 46,  
amended.

6. Section 46 of *The Ontario Telephone Act, 1918*, is amended by adding after the words "present at a" in the second line, the word "special," so that the first part of the section will now read as follows,—

46. Upon a resolution adopted by a majority of all the subscribers of the system present at a special general meeting duly called, requiring the council of the initiating municipality to take over the control and management of the system, the council may, with the approval of the board, pass a by-law for that purpose,

## CHAPTER 52.

## The Municipal Amendment Act, 1926.

*Assented to 8th April, 1926.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**1.** This Act may be cited as *The Municipal Amendment Act, 1926.* Short title.

**2.** Clause *j* of subsection 1 of section 53 of *The Consolidated Municipal Act, 1922*, is repealed and the following substituted therefor,— 1922, c. 72, s. 53, subs. 1, cl. (j), repealed.

(j) A member of a board of education or of a public or separate school board of a city, town or village, or a member of a high school board, unless he has at least three days before the day of nomination filed his resignation with the secretary of the board.

**3.** Section 130 of *The Consolidated Municipal Act, 1922*, is amended by adding thereto the following subsection,— 1922, c. 72, s. 130, amended.

(5) The judge shall be entitled to receive from the municipality the expenses necessarily incurred in attending at the place designated by him to recount the votes. Expenses of judge attending at recount.

**4.** Section 398 of *The Consolidated Municipal Act, 1922*, is amended by adding thereto the following paragraph,— 1922, c. 72, s. 398, amended.

7a. For entering into an agreement with the corporation of any adjoining municipality for the use or interchange of any sewers, sewerage systems or works for the disposal, interception or purification of sewage and for making all necessary connections and acquiring land in or adjacent to the municipality for any of such purposes, and for providing for the payment by one municipality to the other, annually or otherwise, of such sums as may be agreed upon as compensation for any such interchange or use. Agreement with adjoining municipality as to sewers and sewerage systems.



1922, c. 72,  
s. 399a,  
par. 2,  
amended.

5.—(1) Paragraph 2 of section 399a of *The Consolidated Municipal Act, 1922*, is amended by striking out the word "location" in the first line thereof.

1922, c. 72,  
s. 399a,  
par. 2,  
amended.

(2) Paragraph 2 of the said section 399a is further amended by adding thereto the following clause,—

Notice  
to owners

(c) The council shall notify all owners whose property is affected by any by-law passed under this paragraph of its intended application to the Municipal Board for its approval of the said by-law. Such notice shall be sent by prepaid registered letter at least ten clear days before the date fixed by the said board for hearing the application to all such owners, affected by the said by-law, whose names appear on the last revised assessment roll of the municipality.

1922, c. 72,  
s. 400, par. 3,  
amended.

6.—(1) Paragraph 3 of section 400 of *The Consolidated Municipal Act, 1922*, is amended by adding at the end of the fifteenth line the words "or to meet the cost of extensions or improvements already made to such works."

1922, c. 72,  
s. 400, par. 3,  
amended.

(2) Paragraph 3 of the said section 400 is further amended by adding thereto the following clause,—

(e) This paragraph shall apply to any urban municipality operating any such works under the authority of a special Act, and any provision in such special Act requiring the assent of the electors shall not apply to the borrowing of money for the purposes of this paragraph.

1922, c. 72,  
s. 411,  
amended.

7. Section 411 of *The Consolidated Municipal Act, 1922*, is amended by adding thereto the following paragraphs,—

Numbering  
buildings  
and lots in  
parts of  
township.

9. For numbering the buildings and lots along any highway, street, beach, park, reserve or any other property in the township which is considered necessary to number by the township council, and for affixing numbers to the buildings, and for charging the owner or occupant with the expense incident to the numbering of his building, lot or property.

(a) Such expense may be collected in the same manner as taxes, and if paid by the occupant, subject to any agreement between him and the owner, may be deducted from the rent payable to the owner.

Records of  
streets and  
numbers,  
etc.

10. For keeping, and every such council shall keep, a record of the highways, streets, beaches, parks,

reserves

reserves and of the numbers of the buildings and lots, and for entering therein, and every such council is hereby required to enter therein, a division of the streets with boundaries and distances for public inspection.

*Lavatories, etc.*

11. For constructing and maintaining lavatories, urinals, water closets and like conveniences where deemed requisite upon the highways, streets, beaches, public places or elsewhere, and for supplying them with water, and for defraying the expenses thereof and keeping them in repair and good order.

Constructing and maintaining lavatories, etc.

**8.**—(1) Section 413 of *The Consolidated Municipal Act, 1922*, c. 72, 1922, is amended by inserting after the word "towns" in the heading thereof, the following words "and of townships bordering on a city having a population of not less than 100,000," so that the heading will now read as follows,—

1922, c. 72, s. 413, amended.

**413.** By-laws may be passed by the councils of counties, towns and of townships bordering on a city having a population of not less than 100,000 and by Boards of Commissioners of Police of cities.

(2) Paragraph 1 of the said section 413 is further amended by striking out clause *d* and inserting in lieu thereof the following,—

1922, c. 72, s. 413, par. 1, cl. *d*, repealed.

- (*d*) A by-law of a county passed under this paragraph shall not have force in any municipality in the said county after any such municipality hereby authorized so to do has passed a by-law for a similar purpose.

**9.**—(1) Section 419 of *The Consolidated Municipal Act, 1922*, c. 72, 1922, is amended by inserting after the word "villages" in the heading thereof the following words "and of townships bordering on a city having a population of not less than 100,000," so that the heading will now read as follows,—

1922, c. 72, s. 419, amended.

**419.** By-laws may be passed by councils of towns and villages and of townships bordering on a city having a population of not less than 100,000 and of cities having a population of less than 100,000 and by the Boards of Commissioners of Police of cities having a population of not less than 100,000.

(2) Clause *c* of paragraph 1 of the said section 419 is amended by inserting after the word "town" in the second line thereof, the word "township."

1922, c. 72, s. 419, par. 1, cl. *c*, amended.

**10.** Section 424 of *The Consolidated Municipal Act, 1922*, is amended by adding thereto the following subsection,—

1922, c. 72, s. 424, amended.

Remun-  
eration of  
police  
trustees.

- (3) By-laws may be passed by the trustees of police villages for paying such trustees for their attendance at meetings at a rate not exceeding \$5 per day, after such by-law has been submitted to and approved of by the electors on the day of the annual election of trustees.

1922, c. 72  
s. 428,  
amended.

**11.** Section 428 of *The Consolidated Municipal Act, 1922*, is amended by inserting after the word "city" in the first line the words "having a population of not less than 30,000 may expend a sum not exceeding in any year ten cents per head of its population, and the council of a city having a population of less than 30,000" so that the section will now read as follows,—

Appropri-  
ation for  
diffusing  
information  
re advant-  
ages of  
municipi-  
pality.

428. The council of every city having a population of not less than 30,000 may expend a sum not exceeding in any year ten cents per head of its population, and the council of a city having a population of less than 30,000 may expend a sum not exceeding in any year \$3,000 and the council of every town having a population of not less than 5,000 and the council of every county may expend a sum not exceeding in any year \$500, in diffusing information respecting the advantages of the municipality as a manufacturing, business, educational or residential centre, or as a desirable place in which to spend the summer months, and the councils of other municipalities may expend for the like purpose a sum not exceeding in any year \$100.

1922, c. 72  
s. 482,  
subs. 3,  
amended.

**12.** Subsection 3 of section 482 of *The Consolidated Municipal Act, 1922*, is amended by striking out the words "cities and towns" in the first line and inserting in lieu thereof the words "cities, towns and villages," and by striking out the words "city or town" in the third and seventh lines and inserting in lieu thereof the words "city, town or village."

Commence-  
ment of Act.

**13.** This Act shall come into force on the day upon which it receives the Royal Assent.



## CHAPTER 53.

## An Act to amend The Local Improvement Act.

*Assented to 8th April, 1926.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Local Improvement Act*, Short title.  
1926.

2. Clause *d* of section 3 of *The Local Improvement Act* is Rev. Stat. c. 193, s. 2, amended. amended by adding thereto the words "including a sewer on each side of a street," so that the clause will now read as follows,—

(*d*) Constructing, enlarging or extending a sewer, including a sewer on each side of a street.

3. Subsection 3 of section 4 of *The Local Improvement Act* Rev. Stat. c. 193, s. 4 (3), amended. is amended by adding at the end thereof the words "but this subsection shall not apply to private drain connections where a sewer is constructed on each side of a street," so that the subsection will now read as follows,—

(3) The amount to be assessed against each lot in respect of a private drain connection, water service pipe or gas connection shall be the cost thereof from the centre of the street to the street line whether or not the sewer or water or gas main is laid in the centre of the street, but this subsection shall not apply to private drain connections where a sewer is constructed on each side of a street.

4. Section 23 of *The Local Improvement Act* is Rev. Stat. c. 193, s. 23, amended. amended by adding the following subsection,—

(1*a*) Any by-law heretofore or hereafter passed shall not be held to be invalid by reason only of its providing that the corporation shall assume a certain portion of the cost of all pavements of a fixed width which would otherwise be chargeable upon the lands

abutting

abutting on the work and in addition the entire cost of that portion of all pavements in excess<sup>m</sup> of such fixed width.

Commence-  
ment of  
Act.

5. This Act shall come into force on the day upon which it receives the Royal Assent.

## CHAPTER 54.

## An Act to amend The Planning and Development Act.

*Assented to 8th April, 1926.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 12a of *The Planning and Development Act*, as enacted by chapter 65 of the statutes of 1921, is repealed and the following substituted therefor,—

1918, c. 38  
s. 12a  
(1921, c. 65)  
repealed.

- 12a. No highway shall be established, laid out, widened, altered, diverted, stopped up or closed in any urban zone or joint urban zone, except with the approval of the council of each municipality in which the said highway or any part of it is situated, and of the council of any city, town or village, which such urban zone or joint urban zone adjoins, or of the board.

Approval of  
council  
required.



## CHAPTER 55.

## The Assessment Amendment Act, 1926.

*Assented to 8th April, 1926.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.      **1.** This Act may be cited as *The Assessment Amendment Act, 1926*.

Rev. Stat.,  
c. 195, s. 2,  
cl. *ka*;  
(1922, c. 78  
s. 2), re-  
pealed.      **2.** Clause (*ka*) of section 2 of *The Assessment Act*, as enacted by section 2 of *The Assessment Amendment Act, 1922*, is repealed and the following substituted therefor,—

"Person".      (*ka*) "Person" shall include any partnership, any body corporate or politic, any agent or trustee, and the heirs, executors, administrators or other legal representatives of a person to whom the context can apply according to law.

Rev. Stat.,  
c. 195, s. 13,  
repealed.      **3.** Section 13 of *The Assessment Act*, as amended by section 12 of *The Assessment Amendment Act, 1922*, is repealed and the following sections substituted therefor,—

Taxation of  
income re-  
ceived by  
person in  
representa-  
tive  
capacity.      **13.** (1) (*a*) Income received in Ontario for or on behalf of a person resident out of Ontario; and,  
  
(*b*) Income received in Ontario for or on behalf of an estate or trust, whether any beneficiary or *cestui que trust* is ascertained or not, to the extent to which such income is not wholly distributed annually to residents of Ontario,

shall be liable to assessment and taxation, and every person in Ontario who receives such income shall be assessed in respect thereof but only in his capacity as the representative of such person resident out of Ontario, or of such estate or trust.

Place of  
assessment.      (2) Every person in Ontario assessed in a representative capacity

(a)

- (a) when representing a person resident out of Ontario, shall be assessed at his office or place of business, if any, otherwise at his place of residence, or,
- (b) when representing an estate or a trust arising under a will shall be assessed in the municipality wherein the deceased was domiciled at the time of his death, or
- (c) when representing an estate where the deceased died domiciled out of Ontario, or a trust arising otherwise than under a will shall be assessed in the municipality wherein the person who chiefly manages the estate or trust has his office or place of business, if any, otherwise at his place of residence.

13a.—(1) Every person in Ontario liable to assessment under the provisions of section 13 shall retain in his possession or control sufficient of the income of the person, estate or trust represented by him, to pay the taxes and shall pay such taxes out of such income, and shall be free from personal liability to pay such taxes, but upon failure to pay such taxes such person may be sued therefor in his representative capacity only.

Requirement as to representative retaining sufficient of income to meet taxes.

- (2) Where judgment has been recovered against a person in Ontario under subsection 1, execution thereon shall only issue against the real or personal property of the person, estate or trust, represented by such person, but if the court is satisfied that such person has failed or neglected to retain sufficient income to pay the taxes as required by subsection 1 the court may order that if such judgment is not satisfied upon such execution, such person shall as a penalty for such failure or neglect, pay personally whatever portion thereof remains unsatisfied, and that upon failure of such person so to do within a time limited by the order, execution shall issue against the real or personal property of such person, who shall not recoup himself for the amount of such penalty or any part thereof out of any income received by him in his representative capacity; provided that no such penalty shall be imposed in respect of failure or neglect to retain income which passed out of the control of such person prior to the date upon which this Act received the Royal Assent.
- Penalty on representative for failure to retain sufficient income.
- Proviso.

4. Sections 1, 2 and 3 shall have effect as from the first day of January, 1926.

Ss. 1, 2 and 3 retroactive.

Rev. Stat. c.  
195, s. 5 par.  
20 (1919, c.  
50 s. 3),  
repealed

5. Paragraph 20 of section 5 of *The Assessment Act* as enacted by section 3 of the Act passed in the year 1919, chapter 50, as amended by 1921, c. 63, s. 1, and by 1922, c. 78, s. 4, is repealed and the following substituted therefor,—

Exemption  
on income.

20. The annual income derived from personal earnings or from any pension, gratuity or retiring allowance in respect of personal services by any person assessable directly in respect to income under this Act to the amount of \$2,000 if such person is a householder and assessed as such, or being the head of a family occupies with his family any portion of a dwelling house although not assessed therefor, and to the amount of \$1,000 if such person is not a householder or the head of a family as above-mentioned, and the income of any person derived from any investment or from money on deposit in any bank or other financial institution or loaned upon mortgages, promissory notes or other securities to the amount of \$800 where the income of such person from all sources does not exceed \$1,500, or in the case of a widow or of any person over 60 years of age to the amount of \$2,000 where the income of such widow or of any person over 60 years of age from all sources does not exceed \$2,000.

Rev. Stat.,  
c. 195, s. 56,  
subs. 1  
(1923, c. 45,  
s. 2),  
amended.

Time for  
taking  
assessment.

6. Subsection 1 of section 56 of *The Assessment Act* as enacted by section 2 of *The Assessment Amendment Act, 1923*, is amended by striking out the word "May" in the eighth line and substituting therefor the word "April."

Rev. Stat.  
c. 195, s. 61,  
subs. 1,  
repealed.

7. Subsection 1 of section 61 of *The Assessment Act* as amended by section 7 of *The Assessment Amendment Act, 1921*, is repealed, and the following substituted therefor,—

Court of  
Revision, in  
cities, how  
constituted.

(1) In every city the court of revision shall consist of three members, one of whom shall be appointed by the city council, and one by the mayor, and the third shall be the official arbitrator appointed for the city under *The Municipal Arbitrations Act*, and in the case of cities where there is no official arbitrator, or where such official arbitrator is a judge or junior judge of the county in which the city is situated, the sheriff of the county shall be the third member in the case of a city which is the county town and the third member of the court of revision in any city which is not the county town and for which no such official arbitrator has been appointed or where such official arbitrator is a judge or junior judge of the county in which such city is situated shall be appointed by the municipal council of such city.

Rev. Stat.  
c. 199.



8. Subsection 12 of section 87 of *The Assessment Act*, is repealed and the following substituted therefor,—

Rev. Stat.  
c. 195, s. 87,  
subs. 12 re-  
pealed.

- (12) An appeal shall lie to a Divisional Court from any judgment of a judge and from any report made by a court constituted under subsection 4 of this section on any question of law or the construction of a statute and if the judgment of the Divisional Court reverses or varies the judgment of such judge or the report of such court, such judgment or report shall be varied so as to conform to the judgment of the Divisional Court.

Appeal.

9. Section 108 of *The Assessment Act* is amended by adding thereto the following subsection,—

Rev. Stat.  
c. 195, s. 108  
amended.

- (3a) The council may by by-law authorize the treasurer or collector to receive in any year payments on account of the taxes for that year in advance of the day that may be fixed by by-law for the payment of any instalment of such taxes, and to allow a discount on any taxes so paid in advance at a rate not exceeding five per cent. per annum, notwithstanding that the taxes for such year have not been levied, or that the assessment roll on which said taxes are to be fixed and levied has not been adopted by the council, when any such advance payment is made.

Payment of  
taxes in  
advance and  
discount  
allowance.

10. This Act shall come into force on the day upon which it receives the Royal Assent.

Commence-  
ment of  
Act.

## CHAPTER 56.

## An Act to amend The Public Libraries Act.

*Assented to 8th April, 1926.*

**HIS MAJESTY**, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**Short title.** 1. This Act may be cited as *The Public Libraries Act, 1926*.

1920, c. 69,  
amended. 2. *The Public Libraries Act, 1920*, is amended by adding thereto the following section:

Libraries  
which re-  
quire per-  
mission from  
Minister.

76a.—(1) Except as provided in Parts I and II, a lending or circulating library shall not be carried on without the permission in writing of the Minister, and the granting of such permission and the cancellation or suspension thereof at any time shall be at the discretion of the Minister.

**Penalty.**

(2) Every person who is the owner of or who conducts or manages a lending or circulating library without the permission mentioned in subsection 1 or after the cancellation or during the suspension thereof shall be guilty of an offence and shall incur a penalty of not less than \$10 or more than \$100 for every day or part of a day upon which the offence is committed or continues.

Not to affect  
religious or  
educational  
institutions.

(3) Nothing in this section contained shall apply to or affect the lending or circulation of books, magazines, periodicals or other printed works by any religious body or incorporated educational institution.

Commence-  
ment of  
Act.

3. This Act shall come into force on the 1st day of July, 1926.

## CHAPTER 57.

## An Act to amend The Public Parks Act.

*Assented to 8th April, 1926.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**1.** This Act may be cited as *The Public Parks Act, 1926.*      **Short title.**

**2.** Section 5 of *The Public Parks Act* as amended by section <sup>Rev. Stat.</sup> 1 of the Act passed in the year 1921, chaptered 71, is further <sup>O. 203, s. 5,</sup> amended by inserting after the word "residents" in the third line the words "or ratepayers."



## CHAPTER 58.

## An Act to amend The Highway Traffic Act, 1923.

*Assented to 8th April, 1926.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**Short title.**      **1.** This Act may be cited as *The Highway Traffic Act, 1926.*

1923, c. 48,  
s. 10, subs.  
3, repealed.      **2.** Subsection 3 of section 10 of *The Highway Traffic Act, 1923*, is repealed and the following substituted therefor:

(3) Any person who violates any of the provisions of subsections 1 or 2 shall incur for the first offence a penalty of not more than \$5; for the second offence a penalty of not less than \$5 and not more than \$10 and for any subsequent offence a penalty of not less than \$10 and not more than \$25, and in addition his license or permit may be suspended for any period not exceeding sixty days.

1923, c. 48,  
s. 11, subs. 1,  
amended.      **3.** Subsection 1 of section 11 of *The Highway Traffic Act, 1923*, is amended by inserting after the word "vehicle" in the first line the words "other than a motor-cycle," and by adding after the word "brakes" in the second line the words "and every motor-cycle shall be equipped with at least one brake and such brakes shall be kept."

1923, c. 48,  
s. 14,  
amended.      **4.** Section 14 of *The Highway Traffic Act, 1923*, is amended by inserting the following subsection,—

**Use of  
siren horn.**

(3a) No motor vehicle other than one operated by or on behalf of a police or fire department or the Department of Public Highways shall be equipped with a siren horn or a device producing a sound which so nearly resembles that produced by a siren horn as to deceive or confuse.

1923, c. 48,  
s. 21,  
amended.      **5.** Subsection 1 of section 21 of *The Highway Traffic Act, 1923*, is amended by inserting after the word "Act" in the second line the words "or *The Public Vehicle Act*" and after

the

the word "vehicle" in the fourth line the words "or for any reason which he may deem sufficient," and after the word "violation" in the eighth line the words "or reason."

**6.** Subsection 1 of section 24 of *The Highway Traffic Act*, 1923, c. 48, 1923, is amended by inserting after the word "curve" in the <sup>s. 24, subs. 1,</sup> <sup>amended.</sup> fourth line the words "or at a level railway crossing."

**7.** Subsection 3 of section 30 as enacted by section 4 of *The Highway Traffic Act*, 1924, is amended by inserting after the <sup>1923, c. 48,</sup> <sup>s. 30, subs. 3,</sup> <sup>amended.</sup> word "vehicle" in the first line the words "equipped with less than six wheels and two driving axles" and by adding after the word "tons" in the second line the words "and no motor vehicle equipped with six wheels and two driving axles having a gross weight in excess of ten tons."

**8.** Section 30 of *The Highway Traffic Act*, 1923, is amended <sup>1923, c. 48,</sup> <sup>s. 30,</sup> <sup>amended.</sup> by adding thereto the following subsection,—

- (8) The municipal corporation or other authority having <sup>Fixing</sup> jurisdiction over a bridge may by by-law approved <sup>weight of</sup> by the Department, make regulations limiting the <sup>vehicle pass-</sup> weight of any vehicle passing over such bridge and <sup>ing over</sup> notice of the limit of the weight fixed by such regula- <sup>bridge.</sup> tion, legibly printed, shall be posted up in a conspicuous place at each end of the bridge.

**9.** Subsection 1 of section 41 of *The Highway Traffic Act*, 1923, is amended by inserting after the word "writing" in the <sup>1923, c. 48,</sup> <sup>s. 41, subs. 1</sup> <sup>amended.</sup> fifth line the words "upon request" and after the word "injury" in the same line the words "or to any police constable or any officer appointed for the carrying out of the provisions of this Act or to any witness".

**10.** *The Highway Traffic Act*, 1923, is amended by adding <sup>1923, c. 48,</sup> <sup>amended.</sup> the following section,—

- 43a. The provisions of sections 42, 43 and 54 shall not <sup>When ss. 42,</sup> <sup>43 and 54</sup> <sup>not to apply.</sup> apply to any action brought by a passenger in a motor vehicle against the owner or driver of the vehicle in respect of any injuries sustained by him while a passenger.

**11.** Section 45 of *The Highway Traffic Act*, 1923, is amended <sup>1923, c. 48,</sup> <sup>s. 45,</sup> <sup>amended.</sup> by adding the following subsection,—

- (1a.) The provisions of subsection 1 shall not apply to a <sup>Exceptions.</sup> resident of any other province of Canada or of a country or state which grants similar exemptions and privileges to residents of Ontario, provided such person does not remain in Ontario for more than thirty days in any one year and is the holder of a

chauffeur's

chauffeur's or operator's license issued by the province, country or state in which he resides. Every such person shall carry his license with him at all times while in charge of a motor vehicle and shall produce it when hiring a motor vehicle or when demanded by a police constable or by an officer appointed for carrying out the provisions of this Act.

1923, c. 48,  
s. 50, subs. 2,  
amended.

**12.** Subsection 2 of section 50 of *The Highway Traffic Act, 1923*, is amended by inserting after the words "provided by" in the fifth line the words "section 48 of."

1923, c. 48,  
s. 50,  
amended.

**13.** Section 50 of *The Highway Traffic Act, 1923*, is amended by adding thereto the following subsection,—

Power to  
take and  
store  
abandoned  
motor  
vehicle.

- (4) A police constable or an officer appointed for the carrying out of the provisions of this Act after having satisfied himself by careful inquiry that a motor vehicle which he has found on or near a highway has been abandoned, or upon finding any motor vehicle without proper registration plates, shall take such motor vehicle into his custody and may cause the same to be taken to and stored in a suitable place and all costs and charges for removal, care or storage thereof shall be a lien upon such motor vehicle and the same may be enforced in the manner provided by section 48 of *The Mechanics' and Wage Earners' Lien Act*.

1923, c. 48,  
s. 54,  
amended.

**14.** Section 54 of *The Highway Traffic Act, 1923*, is amended by adding at the beginning thereof the words "subject to the provisions of subsections 2 and 3" and by adding the following subsections,—

Limitation  
in case of  
death.

- (2) Where death is caused the action may be brought within the time limited by *The Fatal Accidents Act*.

In case of  
injury to  
infant.

- (3) Where the person injured is an infant the Court may permit an action to be brought at any time after the expiry of the said six months, but not exceeding in the whole twelve months.

1923, c. 48,  
s. 69,  
amended

**15.** Section 69 of *The Highway Traffic Act, 1923*, as enacted by 1925, c. 65, s. 20, is amended by striking out the words "the first day of January, 1926" in the first line and substituting therefor the words "a day to be named by the Lieutenant-Governor in Council."

Commence-  
ment of  
Act.

**16.** This Act shall come into force on the day upon which it receives the Royal Assent.



## CHAPTER 59.

## An Act to amend The Public Vehicle Act, 1923.

*Assented to 8th April, 1926.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**1.** This Act may be cited as *The Public Vehicle Act, 1926*. Short title.

**2.**—(1) Clause *b* of section 3 of *The Public Vehicle Act, 1923*, is repealed. 1923, c. 49, s. 3, cl. b, repealed.

(2) Clause *d* of section 3 of *The Public Vehicle Act, 1923*, as amended by section 2 of *The Public Vehicle Act, 1925*, is further amended by inserting after the word “passengers” in the fourth line the words “or passengers” and by striking out the words “nor to a motor vehicle hired for special trips and commonly known as a taxicab.” 1923, c. 49, s. 3, cl. d, amended.

**3.** Section 4 of *The Public Vehicle Act, 1923*, is amended by adding the following as subsection 1a,— 1923, c. 49, s. 4, amended.

(1a) Any person who violates the provisions of sub-section 1 shall incur, for the first offence, a penalty of not less than \$10 and not more than \$25; for the second offence, not less than \$50 and not more than \$100; and for the third offence, not less than \$100 and not more than \$200. Penalty.

**4.** Subsection 6 of section 4 of *The Public Vehicle Act, 1923*, is amended by inserting before the word “permits” in the first line the words “licenses or.” 1923, c. 49, s. 6, subs. 4, amended.

**5.** Section 5 of *The Public Vehicle Act, 1923*, is amended by adding the words “license or” before the word “permit” wherever it occurs in this section. 1923, c. 49, s. 5, amended.

**6.** *The Public Vehicle Act, 1923*, is amended by adding the following section,— 1923, c. 49, amended.

**5a.**—(1) A person holding a license or permit under the provisions of this Act who operates a public vehicle Payment of annual charge to city.

over a route partly within and partly without the limits of a city shall also pay annually to the corporation of such city a fee or charge not being in the nature of a license fee to be fixed by the Department. Such fee or charge may be based upon the mileage of such route within the city or the number of passengers or the amount of freight which the vehicle is capable of carrying or upon any other basis which the Department may deem advisable.

- (2) Subsection 1 shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

1923, c. 49,  
s. 7,  
amended.

7. Section 7 of *The Public Vehicle Act, 1923*, is amended by inserting after the words "breach of" in the second and third lines the words "this Act or" and by adding after the word "Act" in the last line the words "or *The Highway Traffic Act, 1923*," so that the section will now read as follows,—

7. The Department may at any time cancel or suspend the license issued for any public vehicle by reason of a breach of this Act or *The Highway Traffic Act, 1923*, or of the regulations made under this Act or *The Highway Traffic Act, 1923*.

1923, c. 49,  
s. 27,  
amended.

8. Section 27 of *The Public Vehicle Act, 1923*, is amended by inserting the words "or permit" after the word "license" in the first and fifth lines.

1923, c. 49,  
s. 28,  
amended.

9. Section 28 of *The Public Vehicle Act, 1923*, is amended by inserting after the word "Act" in the second line the words "or of any regulations made thereunder."

Commence-  
ment of Act.

10. This Act, excepting section 6, shall come into force on the day upon which it receives the Royal Assent.

## CHAPTER 60.

## An Act to improve the Quality of Dairy Products.

*Assented to 8th April, 1926.*

**HIS MAJESTY**, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**1.** This Act may be cited as *The Dairy Products Act, 1926*. **Short title.**

**2.** In this Act,—

**Interpreta-  
tion.**

- (a) "Factory" shall mean and include a cheese factory or "Factory." butter manufactory, condensed milk factory, creamery, milk powder factory, milk or cream shipping or receiving station or other premises where milk and cream is collected for sale or shipment or manufacture;
- (b) "Cheese Factory" shall mean place to which the "Cheese factory." milk from the herds of five or more persons is brought for the purpose of being manufactured into cheese for public sale;
- (c) "Creamery" shall mean the place to which milk or "Creamery." cream from the herds of five or more persons is brought for the purpose of being manufactured into butter or is made into butter for public sale;
- (d) "Inspector" shall mean inspector appointed under "Inspector." *The Milk, Cheese and Butter Act, The Cream and Milk Purchase Act, 1920*, or this Act;
- (e) "Minister" shall mean Minister of Agriculture; "Minister."
- (f) "Patron" shall mean one who habitually sells milk or "Patron." cream at a factory;
- (g) "Regulations" shall mean regulations made under the "Regulations." authority of this Act.

**3.—(1)** A building shall not be erected, rebuilt or reconstructed for use as a cheese factory or creamery on any site or location without the permission in writing of the Director of Dairying.



Specifica-  
tions for  
new  
factory.

(2) Such building, rebuilding or reconstructing shall be in accordance with the conditions following,—

- (a) The foundation shall be substantially constructed of stone or concrete.
- (b) The floors shall be of concrete or suitable tile.
- (c) The outlets for waste water shall be properly trapped and the waste water from these outlets shall be conducted to septic tanks, cesspools or underground drains or sewers in such a manner that the surroundings of the factory shall be at all times clean and sanitary.
- (d) The inside of all walls and all partitions and ceilings shall be covered with lumber, plaster, cement or other material suitable for painting or tinting.
- (e) The ceilings of the work rooms shall be not less than ten feet from the surface of the floor.

Whey  
tanks,—  
installation  
of.

(3) The tanks for containing whey, buttermilk and skim-milk shall be installed in such a manner that they can be emptied readily and kept clean and sanitary.

Permission  
to  
operate new  
factory.

(4) A new or reconstructed factory shall not be operated until permission therefor has been given in writing by the Minister.

Report  
of inspector  
before  
permission  
given.

(5) The permission for the erection, rebuilding or reconstructing of a factory or for the commencement of operations therein shall not be granted until such factory has been inspected by an inspector and he has reported that such permission may properly be given.

Minister  
may order  
closing of  
unsanitary  
premises.

4. Upon the report of an inspector that any factory is not in a satisfactory sanitary condition, or lacks proper equipment for the manufacture or collection of dairy products, or that unsanitary conditions exist in or about the factory or premises, the Minister may order the same to be closed forthwith and it shall be kept closed until the Minister certifies upon the report of the inspector that it has been put into a satisfactory sanitary condition and is properly equipped for the manufacture or collection of dairy products.

Basis of  
payment  
milk and  
cream.

5.—(1) All milk and cream received at a factory shall be paid for,—

- (a) on the basis of its fat content as determined by the Babcock test; or

(b)

- (b) on the basis of its fat content as determined by the Babcock test plus the factor 2 in the case of milk received for cheese-making only.

(2) In determining the fat content of milk supplied to a factory the measuring pipette shall have a capacity of 17.6 c.c. of milk. <sup>Measuring fat content of milk.</sup> officially stamped.

(3) In determining the fat content of cream supplied to a factory the sample of cream taken for testing shall be weighed <sup>Measuring fat content of cream.</sup> into a test bottle officially stamped and shall weigh 9 or 18 grams.

6. All cream used in the manufacture of butter shall be graded at a creamery and payment for the cream shall be based on such grades. <sup>Grading cream at a creamery.</sup>

7. For the purpose of determining standards of grades of cream for butter-making purposes at a creamery the basis of grading shall be,— <sup>Basis of grading cream for butter.</sup>

(a) Special grade;

(b) First grade;

(c) Second grade;

(d) Off grade.

8. All cream received at a creamery shall be properly pasteurized before being used for butter-making purposes. <sup>Pasteurizing cream.</sup>

9. At every cheese factory and creamery the selecting of milk, the grading of cream and the manufacturing of cheese and butter shall be performed or supervised by a chief maker. <sup>Chief maker's duties.</sup>

10. A person shall not act as chief maker, or test milk or cream at a milk or cream receiving station, unless he is the holder of a certificate of qualification, issued annually, as hereinafter provided. <sup>Certificate to be issued to chief maker.</sup>

11. Certificates of qualification shall be granted as follows,— <sup>Graded certificates.</sup>

(a) First class certificates to cheesemakers and to butter-makers;

(b) Second class certificates to cheesemakers and to buttermakers;

(c)

(c) Permit certificates to cheesemakers and to butter-makers;

(d) Certificates to milk and cream testers and to cream graders.

Granting  
certificates.

**12.** Certificates shall be granted by the Minister on the recommendation of the Director of Dairying.

Cancelling  
or suspend-  
ing certi-  
ficates.

**13.** The Minister may on the recommendation of the Director of Dairying cancel or suspend any certificate on the ground that the holder is not complying with this Act and the regulations.

Re-instating  
chief makers.

**14.** A person whose certificate has been cancelled or suspended may be reinstated by the Minister upon the recommendation of the Director of Dairying.

Pasteurizing  
whey.

**15.** When the whey at any factory is returned in the patrons' cans it shall be properly pasteurized and the whey tanks kept in a clean, sanitary condition.

Packages  
and brands.

**16.** The Minister may with the consent of the Lieutenant-Governor in Council make regulations fixing the size, shape and specifications of packages used in the shipment of butter and cheese, and defining and limiting any brand or lettering to be placed thereon.

Appoint-  
ment of  
inspectors.

**17.** The Minister may appoint inspectors under this Act to carry out the provisions thereof and all inspectors so appointed shall have access to all factory and creamery reports necessary in the performance of their duty and any person obstructing any such inspector in the performance of his duty shall be liable to a penalty of not less than \$25 nor more than \$100.

Regulations.

**18.** For the purpose of carrying into effect the provisions of this Act, according to their true intent, the Lieutenant-Governor in Council, on the recommendation of the Minister of Agriculture, may make such regulations as may be deemed necessary, advisable or convenient for carrying out the provisions of this Act.

Penalty.

**19.** Every person who violates any of the provisions of this Act, or any regulations made under this Act, or who falsifies any records, or over-reads or under-reads the Babcock test or who in any way makes incorrect determinations of fat, or who pays for cream used in the manufacture of butter on

any



any basis other than those stated in this Act and the regulations shall be liable to a penalty of not less than \$50 nor more than \$200.

**20.** Nothing in this Act shall apply to milk or cream sold or offered for sale for human consumption.

Act not  
to apply to  
milk for  
human con-  
sumption.

**21.** *The Dairy Standards Act*, being chapter 52 of the Statutes of 1916, and *The Dairy Products Act*, being chapter 223 of the Revised Statutes of Ontario, 1914, are hereby repealed.

1916, c. 52,  
Rev. Stat. o.  
223  
repealed.

**22.** This Act shall come into force on a day to be named by the Lieutenant-Governor by his proclamation.

Commence-  
ment of Act.

## CHAPTER 61.

## An Act to amend The Corn Borer Act, 1925.

*Assented to 8th April, 1926.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

**1.** This Act may be cited as *The Corn Borer Act, 1926*.

1925, c. 74,  
s. 3,  
amended.

**2.** Section 3 of *The Corn Borer Act, 1925*, is amended by striking out all the words at the commencement thereof down to and including the word "provide" and inserting in lieu thereof the words "the council of a county, city or separated town may, and upon notice in writing from the Provincial Entomologist shall by by-law provide."

1925, c. 74,  
amended.

**3.** *The Corn Borer Act, 1925*, is amended by adding thereto the following section,—

Remun-  
eration of  
inspector.

**6a.** The municipal corporation shall pay to the municipal inspector such compensation as may be agreed upon or as may be fair and reasonable and his reasonable travelling and other expenses in the performance of his duties under this Act and upon furnishing to the Department on or before the 15th day of December in each year a statement of the amounts so paid, certified by the Provincial Entomologist, and the corporation shall be entitled to receive from the Department one-half of any amount so paid during the twelve months next preceding the said date.

Commence-  
ment of  
Act.

**4.** This Act shall come into force on the day upon which it receives the Royal Assent.

CHAPTER 62.

An Act to impose a Tax on Dogs and for the  
Protection of Sheep.

*Assented to 8th April, 1926.*

**H**IS MAJESTY, by and with the advice and consent of  
the Legislative Assembly of the Province of Ontario,  
enacts as follows:—

**1.** This Act may be cited as *The Dog Tax and Sheep Protection Act, 1926.* 1918, c. 46, s. 1. Short title.

- 2.** In this Act,— Interpre-  
tation.
- (a) “Dog” shall mean any dog, male or female; “Dog.”
- (b) “Sheep” shall mean sheep of any age; “Sheep.”
- (c) “Owner” of a dog shall include any person who possesses or harbours a dog. 1918, c. 46, s. 2. “Owner.”  
*Amended.*

PART I.

DOG TAX, ETC.

**3.**—(1) Subject to the provisions of section 6, an annual dog tax shall be levied in every local municipality upon every person who is assessed as owner or tenant of any land and who is in occupation thereof in respect of every dog which he owns within the municipality or which is habitually kept upon the premises for which he is assessed although such dog may be owned by some other person. Levy of  
dog tax.

(2) The amount of the tax payable where no by-law increasing the tax has been passed by the municipality shall be,— Amount  
of tax.

for a male dog, if only one is kept..... \$2 00  
for each additional male dog..... 4 00

for



for a female dog, if only one is kept..... \$4 00  
 for each additional female dog..... 6 00

Spayed  
 bitch.

(3) Where a certificate in writing by a veterinary surgeon is produced showing that a bitch has been spayed she shall be taxed at the same rate as a male dog.

Increase  
 of tax.

(4) Any municipality may pass a by-law increasing the tax to be paid.

Tax on  
 kennel of  
 pure bred  
 dogs.

(5) The owner of a kennel of pure bred dogs registered in the register of The Canadian Kennel Club, Incorporated, shall pay an annual tax of \$10.00 to the treasurer of the municipality as a tax upon the kennel and he shall not be liable to pay any further tax in respect of such pure bred dogs. 1918, c. 46, s. 3. *Amended.*

#### COLLECTION OF DOG TAX.

Entry on  
 assessment  
 roll of  
 number of  
 dogs.

4.—(1) The assessor shall enter upon the assessment roll opposite the name of every person assessed the number of dogs, bitches and spayed bitches respectively for which he is liable to be taxed. 1918, c. 46, s. 4. *Amended.*

Statement  
 by owner  
 of dogs.

(2) Any person when so required by the assessor shall forthwith deliver to him a statement in writing of the number of dogs owned by him or which are habitually kept upon the premises for which he is assessed by whomsoever owned. 1918, c. 46, s. 5. *Part amended.*

Penalty.

(3) Any assessor who fails to make all due enquiry and to assess all dogs reported to him and any person who neglects or refuses to furnish the statement required by subsection 2 or who makes a false statement shall be liable to a penalty not exceeding \$10.00. 1918, c. 46, s. 5, *part*, and s. 7 (3). *Part amended.*

Collection  
 of tax.

(4) The amount payable for dog tax shall be entered upon the collector's roll and the collector shall proceed to collect the same in the same manner as other municipal taxes. 1918, c. 46, s. 6. *Redrafted.*

Killing of  
 dog on  
 failure to  
 pay tax.

(5) When the tax is demanded and is not paid the person assessed may be summoned before a police magistrate who may direct the dog to be destroyed unless the tax and costs shall be paid before a time named. 1918, c. 46, s. 7 (1). *Redrafted.*

Powers of  
 constable.

(6) For the purpose of carrying out such order, a constable may enter upon the premises of the owner and destroy the dog. 1918, c. 46, s. 7 (2).

(7) A collector who neglects to collect the tax or take the proceedings provided by this section before the time fixed for the return of his roll to the treasurer shall incur a penalty not exceeding \$10.00. 1918, c. 46, s. 7 (3). *Part amended.*

Penalty on collector.

#### DOG TAGS.

5.—(1) In a municipality in which the dog tax is levied every person in each year on or before the 15th day of February or on or before such earlier or later date as may be fixed by by-law of the council shall procure from the clerk or the assessor a tag for each dog owned by him and shall keep the tag securely fixed on the dog at all times during the year and until he procures a tag for the following year; excepting that the tag may be removed while the dog is being lawfully used for hunting deer in the bush.

Owner required to secure dog tag.

(2) A fee not exceeding twenty-five cents may be charged for each tag.

Fee for tag.

(3) The tag shall bear a serial number and the year in which it was issued and a record shall be kept by the clerk or other officer designated for that purpose showing the name and address of the owner and the serial number of the tag.

Serial number on tag.

(4) Every owner of a dog who neglects to obtain a tag and keep it securely fixed on his dog or who uses a tag upon a dog other than that for which it was issued shall be liable to a penalty not exceeding \$10.00.

Penalty.

(5) Every dog which is found off the premises upon which it is habitually kept without a tag and not under the control of any person may be killed. 1920, c. 92, s. 2; 1921, c. 82, s. 3; 1924, c. 72, s. 1. *Redrafted.*

Killing dog found without tag.

(Note: As to dogs at large pursuing deer in the close season, see Ontario Game and Fisheries Act, s. 15.)

(6) Where an owner of a dog applies to the clerk for a tag after the assessment roll has been returned and before the collector's roll has been delivered to the collector and the clerk finds that such owner has not been assessed for the dog the owner shall forthwith make and deliver to the clerk the statement mentioned in subsection 2 of section 4 and the clerk shall make the necessary entries in the assessment and collector's roll, but where the owner acquired ownership of the dog after the expiration of six months of the year he shall only be charged on the collector's roll with one-half of the dog tax. 1921, c. 82, s. 2. *Redrafted.*

Duties of clerk where owner of dog has not been assessed.

Licensing  
and regis-  
tration of  
dogs.

6. By-laws may be passed by the councils of urban municipalities and of townships bordering on or situated within ten miles of a city having a population of not less than 100,000 for licensing and requiring the registration of dogs and for imposing a license fee on the owners of them with the right to impose a larger fee in the case of bitches or for each additional dog or bitch where more than one is owned by any one person or in any one household,—

- (a) Where the license fee is equal to or exceeds the dog tax required to be levied by this Act, sections 3 and 4 shall not apply while the by-law remains in force.
- (b) On payment of the license fee the owner shall be furnished with a dog tag and the provisions of subsections 1 and 4 as to keeping the tag securely fixed on the dog and of subsections 2, 3 and 5 of section 5 shall apply. 1924, c. 53, ss. 10 and 22. *Amended.*

Prohibiting  
and regu-  
lating the  
running at  
large of dogs.

7. By-laws may be passed by the councils of towns, townships, villages and cities having a population of less than 100,000 and by boards of commissioners of police in cities having a population of not less than 100,000 for prohibiting or regulating the running at large of dogs; for seizing and impounding and for killing, whether before or after impounding, dogs running at large contrary to the by-law; and for selling dogs so impounded at such time and in such manner as may be provided by the by-law,—

- (a) For the purpose of this paragraph, a dog shall be deemed to be running at large when found in a highway or other public place and not under the control of any person. 1922, c. 72, s. 420, *par.* 2.

## PART II.

### THE PROTECTION OF SHEEP.

Interpre-  
tation.

8. In this Part,—

“injured” and “injuring” shall apply to injuries caused by wounding, worrying, terrifying or pursuing.

When dogs  
may be  
killed.

9. Any person may kill any dog,—

- (a) which is found killing or injuring sheep; or
- (b) which in a township or village is found between sunset and sunrise straying from the premises where the dog is habitually kept; or 1918, c. 46, s. 8. *Amended.*

(c)



- (c) which is found straying at any time, and not under proper control, upon premises where sheep are habitually kept. *New.*

**10.**—(1) Whether the owner of any dog killing or injuring sheep is known or not the municipality in which the sheep were killed or injured shall be liable to the owner of the sheep for the amount of damage ascertained by the sheep valuer or arbitrator as hereinafter provided and shall pay over such amount to the owner within thirty days after such owner has filed with the clerk an affidavit that to the best of his knowledge and belief the sheep were killed or injured by a dog but not by a dog owned by him. Liability of municipality for damages to sheep.

(2) The municipality shall not be liable under subsection 1 if at the time the sheep were killed or injured they were running at large upon the highway or unenclosed land. Provided that the council of a township in unorganized territory may with the assent of the municipal electors pass a by-law declaring that this subsection shall not apply in determining its liability. 1918, c. 46, s. 16; 1919, c. 69, s. 1. *Redrafted.* When municipality not liable.

**11.**—(1) The council of every local municipality shall appoint one or more competent persons as sheep valuers. Sheep valuers.

(2) Within forty-eight hours after it is discovered by the owner that his sheep has been killed or injured he shall notify a sheep valuer or the clerk of the municipality who shall forthwith notify a sheep valuer and the valuer so notified shall immediately make full investigation and shall make his report in writing, within ten days thereafter, giving in detail the extent and amount of the damage done, to the clerk of the municipality and shall at the same time forward a copy of such report to the owner of the sheep. Duty of sheep valuer.

(3) The carcass of the sheep shall not be destroyed until it has been seen by the valuer. *New.* When carcass not to be destroyed.

(4) When the owner of the sheep or the council is dissatisfied with the report of the valuer an appeal may be had to the Minister of Agriculture who may name an arbitrator to make a further investigation and the award of the arbitrator shall be final and conclusive as to the amount of the damage done. Appeal to Minister of Agriculture.

(5) Such appeal shall be made within thirty days after the making of the report by the valuer and \$25 shall be deposited with the Minister at the time of the appeal to be forfeited if the report of the valuer is sustained. 1918, c. 46, s. 14 (2). *Amended.* Time for appeal.

Naming of arbitrator where no sheep valuers appointed.

(6) If no sheep valuers have been appointed or the clerk or valuer does not discharge the duty imposed upon him by this Act, the Minister of Agriculture on the application of the owner of the sheep may name an arbitrator to make investigation and the award made by such arbitrator shall be final and conclusive as to the amount of damage done and the municipality in addition to its liability to the owner of the sheep as provided by section 10 shall forthwith pay to the Minister of Agriculture the costs of such arbitration as fixed by him. *New.*

#### LIABILITY OF OWNER OF DOG.

Liability of owner of dog to municipality.

**12.**—(1) A municipality having paid to the owner of the sheep the amount of the damage ascertained as above provided shall be entitled to recover the amount so paid from the owner of the dog in any court of competent jurisdiction without proving that it was vicious or accustomed to worry sheep.

Proceedings for ascertaining owner of dog.

(2) In order to ascertain the owner of the dog which killed or injured the sheep the clerk on the instructions of the head of the municipality may issue a subpoena calling upon any persons to attend before the council and the member of the council presiding may administer an oath to such persons and any member of the council may examine such persons touching his knowledge of the matter.

Apportionment of damages.

(3) When it appears that the damage was caused by more dogs than one the court may apportion the damages as may be deemed just, having regard to the strength, ferocity and character of the dogs concerned.

Duty of owner to kill dog.

(4) Where a dog is known to have killed or injured sheep the owner on being duly notified shall within forty-eight hours cause the dog to be killed.

Neglect to kill dog.

(5) When the owner refuses or neglects to kill the dog he may be summoned before any police magistrate who may order that the dog be killed and in such case a constable may enter upon the premises of the owner and may kill the dog.

Penalty.

(6) The magistrate may direct the owner to pay the costs of the proceedings and of the destruction of the dog and if he deems the neglect or refusal of the owner to have been unreasonable may impose on him a penalty not exceeding \$10.00. 1918, c. 46, s. 10. *Amended.*

Times and procedure directory.

**13.** The times and the method of procedure set out in this Act shall be regarded as merely directory and a proceeding

which

which is in substantial conformity with this Act shall not be open to objection on the ground that it is not in strict compliance therewith.

#### PENALTIES.

**14.** All penalties recovered under this Act shall belong to the municipality. *New.* Application of penalties.

#### REPEAL.

**15.**—(1) The following Acts,—1918, chapter 46; 1919, chapter 69; 1920, chapter 92; 1921, chapter 82; and the following parts of *The Consolidated Municipal Act, 1922*, paragraph 9a of section 399 as enacted by 1924, chapter 53, section 10; paragraph 9 of section 410b as enacted by 1924, chapter 53, section 22 and paragraph 2 of section 420 are hereby repealed. Repeal.

(2) Paragraph 29 of section 398 of *The Consolidated Municipal Act, 1922*, is amended by striking out the words “in-1922, c. 72, s. 398, par. 29, amended. spectors of sheep worried or killed by dogs” in the third line.



## CHAPTER 63.

## An Act to consolidate and amend The Cemetery Act.

*Assented to 8th April, 1926.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

## INTRODUCTORY.

- Short title.      **1.** This Act may be cited as *The Cemetery Act*, R.S.O. 1914, c. 261, s. 1.
- Interpretation.      **2.** In this Act,
- “Cemetery.”      (a) “Cemetery” shall mean and include any land which is set apart or used as a place for the interment of the dead or in which human bodies have been buried;
- “Local Board.”      (b) “Local Board” shall mean the local board of health of a municipality in which it is proposed to establish or in which there is a cemetery;
- “Owner.”      (c) “Owner” shall mean the person owning, controlling or managing a cemetery;
- “Provincial Board.”      (d) “Provincial Board” shall mean the Provincial Board of Health;
- “Regulations.”      (e) “Regulations” shall mean regulations made by the Provincial Board under the authority of this Act. R.S.O. 1914, c. 261, s. 2.

## PART I.

## PROVISIONS APPLICABLE TO ALL CEMETERIES.

## ESTABLISHMENT AND ENLARGEMENT OF CEMETERIES.

**3.** A cemetery shall not be established or enlarged until the approval of the Provincial Board has been applied for and obtained in the manner hereinafter provided. R.S.O. 1914, c. 261, s. 3. Approval of Provincial Board.

**4.** An application for such approval shall be made in writing to the local board, and the applicant shall submit therewith a detailed plan and description in duplicate of the land proposed to be acquired or used for cemetery purposes together with such other information as the Regulations may require. R.S.O. 1914, c. 261, s. 4. Application and material.

**5.** The application and one of the duplicates of the plan and description of the land and all other material filed with the application shall be transmitted to the Provincial Board, together with a statement of the opinion of the local board thereon. R.S.O. 1914, c. 261, s. 5. Transmission to Provincial Board.

**6.**—(1) The approval of the Provincial Board shall be by order in writing signed by the chairman and secretary, and shall contain a sufficient description of the cemetery proposed to be established or of the land which is to be annexed to the existing cemetery. Approval.

(2) The order may be registered in the proper registry or land titles office, and upon its registration the cemetery may be established or enlarged as the order may direct. R.S.O. 1914, c. 261, s. 6. Registration.

**7.** Any person who establishes a cemetery and uses it, or enlarges any cemetery, without the approval of the Provincial Board shall incur a penalty of not less than \$100 nor more than \$500. R.S.O. 1914, c. 261, s. 7. Penalty for non-compliance.

**8.** The expenses of the Provincial Board shall be paid by the applicant. R.S.O. 1914, c. 261, s. 8. Expenses of Provincial Board.

## POWERS OF BOARDS AND OFFICERS.

**9.** The Provincial Board may make Regulations in the manner provided by *The Public Health Act* respecting cemeteries, and may impose penalties for the contravention thereof and such regulations may be general in their application or may upon the recommendation of any local board be varied as to any cemetery within its jurisdiction. R.S.O. 1914, c. 261, s. 9. Power to make regulations.

Powers of  
certain  
officers.

**10.** The medical officer of health or sanitary inspector or any officer of the local board may at any time enter into and upon any cemetery within the limits of the municipality and examine and enquire into the condition of the cemetery and whether the provisions of this Act and of the regulations are observed. R.S.O. 1914, c. 261, s. 10.

Inspectors.

**11.—(1)** The Lieutenant-Governor in Council may designate one or more officers of the Provincial Board to act as inspectors for the purposes of this Act.

Duties.

(2) It shall be the duty of the inspectors and they shall have power,

- (a) To visit and inspect cemeteries and when necessary for that purpose, to enter upon or pass over the lands of the owner or any other person;
- (b) To see that the provisions of this Act are observed by the owners of cemeteries and with the approval of the Provincial Board of Health to enforce their observance by prosecution for the penalties imposed by this Act;
- (c) To call for and collect such statistical and other information as the Provincial Board may require, with regard to cemeteries and the care and management thereof;
- (d) To see that the affairs of any cemetery, or of any cemetery company or trust or other body of persons owning a cemetery are conducted with due regard to their contractual obligations to the lot owners and others interested in the cemetery, and for that purpose to have access to the books and accounts of any owner of a cemetery;
- (e) To report to the Provincial Board from time to time, upon the enforcement and administration of this Act;
- (f) To see that every cemetery is properly fenced, kept clear of weeds and otherwise cared for in a proper manner and in accordance with this Act and the regulations;
- (g) To see that the provisions of this Act and the regulations with regard to burials and disinterments and the transportation of dead bodies are duly complied with, and to take proceedings against any person contravening any of such provisions;



- (h) To exercise, when so directed by the Lieutenant-Governor in Council, the powers which may be conferred upon a commissioner under *The Public Inquiries Act* for the purpose of investigating and reporting upon the conditions of any cemetery, and the conduct of its affairs or those of any corporation or trust or individual being the owner or in control of a cemetery. 1921, c. 86, s. 2.

**12.** The Lieutenant-Governor in Council may appoint an officer of the Provincial Board to examine and audit the books of account of any cemetery company whenever the Board certifies that it is in the interest of the lot owners that such examination should be made and it shall be the duty of the company to afford the officer so appointed access to such books of account for the purpose of examination and audit and such officer shall report the result of his findings to the Board. 1921, c. 86, s. 3.

Appointment of officer of Provincial Board to audit books of cemetery.

#### POWERS AND DUTIES OF OWNERS.

**13.** All lots or plots in a cemetery when numbered and conveyed as burial sites or lots shall be indivisible, but may afterwards be held and owned in undivided shares. R.S.O. 1914, c. 261, s. 11.

Lots to be indivisible, but may be held in undivided shares.

**14.** When a lot has been sold for a burial site it shall not be necessary to register the conveyance, nor shall it be affected by any judgment, execution, mortgage or incumbrance. R.S.O. 1914, c. 261, s. 12.

No registration. Exemption from process.

**15.** The owner of a cemetery may repurchase any lot previously sold or conveyed. R.S.O. 1914, c. 261, s. 13.

Repurchasing lots.

**16.**—(1) The owner may take and hold by grant, assignment, devise, bequest or otherwise any money or securities and apply the same in preserving, improving and embellishing the cemetery, upon the condition and in consideration of assuming and undertaking the duty and obligation of preserving and maintaining in a proper manner in perpetuity any particular lot, tomb, monument or enclosure in such cemetery or in any other cemetery or burying ground in the same municipality or in any other municipality in the same county or district; and any person may make such grant, assignment, devise or bequest upon such condition and for such consideration.

Owner may accept devises, gifts, etc.

(2) The owner may also take and hold by grant, assignment or devise from the owner thereof any lot in the cemetery for the purpose of maintaining the same in perpetuity or otherwise in the manner and subject to the provisions of the instrument of grant, assignment or devise.

Taking lots in cemetery by grant or devise.

May agree  
to keep lots,  
etc., in good  
condition.

(3) The owner may agree to preserve and maintain in a proper manner in perpetuity the particular lot, tomb, monument or enclosure in any cemetery designated in such grant, assignment, devise, bequest or agreement.

Payment  
over of  
bequest.

(4) Personal representatives or trustees may pay over and transfer money or securities in their hands which they are authorized or directed to apply for or toward the purposes mentioned in this section.

Investment  
of funds.

(5) For the purpose of securing the due performance of such agreement the owner shall invest the money received under the agreement in the same manner as trustees are authorized to invest trust money and out of the income of such investment perform his obligations under the agreement. R.S.O. 1914, c. 261, s. 14.

Notice to  
owner of  
bequest or  
devise for  
perpetual  
care.

(6) Every executor and trustee of an estate, the testator or settlor of which has provided a sum of money or other property for the care and upkeep of a plot or plots, or other portion of a cemetery, and the local registrar of the surrogate court from which probate issues, shall notify the owner of such cemetery, of the amount of money or other property so provided for the care and upkeep or other benefits conferred upon the cemetery of such owner immediately upon the issue of probate or at the time when such executor or trustee assumes the burden of the administration of the estate.

Payment or  
delivery to  
owner of  
property  
devised for  
perpetual  
care.

(7) The owner may call upon any executor or trustee of the estate of a testator or settlor who has bequeathed or set aside or provided any money or other property for the purpose of the upkeep or care of any lot or plot or portion of a cemetery of such owner for the payment or delivery over to the owner of such money or property to be invested as hereinbefore provided, the income thereof to be used by the owner as provided in the will of the testator or instrument of the settlor, and on default the owner may take out an appointment from the surrogate judge of the county wherein such cemetery is situate directing such executor or trustee to appear before him at such time and place as he shall appoint and upon the hearing, pursuant to such appointment, the judge shall have authority to direct payment or delivery over to the owner of such money or property or make such other disposition thereof in the premises as to him may seem meet in order to carry out fully the intention of the testator or settlor as set forth in his will or other instrument and the costs of and incidental to such application shall be in the discretion of the judge.

When  
amount \$200  
or less.

(8) When the amount of the money or the value of the property directed to be delivered over to the owner is \$200

or under, such order may be filed in the division court of the division in which the executor, trustee or settlor resides, and in all other cases in the county court of the county wherein the executor, trustee or settlor resides, and when so filed such order may be enforced in like manner as a judgment of said respective courts. 1925, c. 75, s. 2.

(9) The owner shall not make any charge in connection with the erection of monuments, tombstones, or vaults, except a reasonable charge for opening graves and constructing the foundations, or erecting such monuments, tombstones, or vaults when such erecting is done by the owner.

Charges—what may and what may not be made by owner.

**17.**—(1) Where moneys have come into the hands of the owner for the purpose of providing for perpetual care of graves, lots, gravestones or fences, the owner may pay such moneys over to the Public Trustee and the same shall be invested by the Public Trustee and the income therefrom paid over by him to the owner to be applied for the purposes aforesaid.

Owner may pay over "perpetual care" funds to Public Trustee.

(2) Where the owner has paid over to the Public Trustee any sum of money under subsection 1, all sums of money thereafter received by the owner for the purposes mentioned in subsection 1 shall be paid over to the Public Trustee and shall be dealt with in the like manner. *New.*

Future receipts to be dealt with in same manner.

**18.** Where a cemetery is situated in a city or town or in a municipality adjacent to a city or town and used principally for the burial of the dead of such city or town, the owner may maintain any lot, tomb, monument or enclosure which is not being properly maintained by or on behalf of the owner thereof and the reasonable charges for so doing shall be a debt due by the lot owner to the owner of the cemetery.

Right to charge lot owner with cost of maintenance.

**19.**—(1) If additional land is required for the enlargement of a cemetery and the council of the municipality in which the land is situate by by-law declares that in the opinion of the council the owner should, for that purpose, have power to expropriate any adjacent land described in the by-law, and if the Provincial Board certifies that in its opinion the proposed enlargement is for the public advantage and convenience and ought to be permitted, the owner, upon registering the by-law and certificate in the proper registry or land titles office, shall, in respect of the land described in the by-law, possess the powers conferred upon the council of a local municipality by *The Municipal Act*.

Power to acquire additional lands, etc.

(2) Where the owner not being a municipal corporation desires to proceed under this section proceedings for expropriation may be initiated by notice. R.S.O. 1914, c. 261, s. 15.

How proceedings to be instituted.



Powers  
to make  
regulation

**20.** Subject to the provisions of this Act and to the regulations the owner may make regulations for the laying out and selling lots and managing the cemetery, for regulating burials therein, the removal of bodies therefrom, the erection or removal of tombs, monuments, gravestones, vaults, copings, fences, hedges or other permanent improvements therein, the planting, placing and removal of trees, shrubs and plants in the grounds, and otherwise generally respecting the use of the grounds, and for the execution of conveyances of lots or plots in the cemetery. R.S.O. 1914, c. 261, s. 16.

Power to  
borrow.

**21.** The owner may borrow money for the purpose of making roads in the cemetery and for laying out and improving the same, and for that purpose may mortgage all his estate, right and interest in the cemetery; but nothing herein shall authorize the mortgagee or anyone claiming under him to use or deal with the cemetery in a manner inconsistent with the continued use of it as a cemetery or inconsistent with any provision in this Act for the preservation and protection of the same for cemetery purposes. R.S.O. 1914, c. 261, s. 17.

Duty of  
owner.

**22.—(1)** The owner shall

Maintain  
fences.

(a) keep and maintain fences about the cemetery sufficient to prevent dogs, cattle or other animals from straying therein;

Keeping in  
good order.

(b) keep the cemetery and the buildings and fences thereof in good order and repair;

Conduct of  
burials.

(c) see that all burials within the cemetery are conducted in a decent and orderly manner, and that quiet and good order are at all times maintained therein;

Weeds.

(2) When there is no person resident in the municipality in which a cemetery is situate in charge of it, the cemetery shall be deemed non-resident land within the meaning of *The Noxious Weeds Act*.

Penalty.

(3) For every default in complying with subsection 1 the owner shall incur a penalty not exceeding \$10, and after conviction thereof shall incur a further penalty of \$5 for every day during which such default continues. R.S.O. 1914, c. 261, s. 18.

Sewers and  
drains.

**23.** Every owner shall make all necessary sewers and drains in and about the cemetery for draining it and keeping it dry; and may whenever necessary connect any such sewer or drain with an existing sewer with the consent in writing of the municipal corporation or other body or the person owning or con-

trolling

trolling the highway, lane or other public communication, or the land of which any part is to be opened up for that purpose, doing as little damage as possible and restoring the same to as good condition as before the opening was made. R.S.O. 1914, c. 261, s. 19.

**24.**—(1) The owner shall not cause or suffer any offensive matter from the cemetery to be brought to or flow into any river, spring, well, stream, canal, reservoir, aqueduct, pond or watering place. No offensive matter to be allowed into rivers, etc.

(2) For every contravention of subsection 1 the owner shall incur a penalty of not more than \$50, and in addition shall be liable for any damages caused thereby to any person having a right to use such water. R.S.O. 1914, c. 261, s. 20. Penalty. Liability for damages.

**25.**—(1) The owner shall not cause or suffer any dead body to be interred in a vault or otherwise under or within fifteen feet of the outer wall of any church, chapel or other building in the cemetery. Interments not to be within 15 feet of church walls, etc.

(2) For every contravention of subsection 1 the owner shall incur a penalty of not more than \$50. R.S.O. 1914, c. 261, s. 21. Penalty.

**26.**—(1) The owner shall not permit any burial therein until he has been registered with the Registrar-General, through the Division Registrar of the municipality in which such cemetery is situate, as the owner of the cemetery. Owner's name to be recorded.

(2) For every contravention of subsection 1 the owner shall incur a penalty of not more than \$50. R.S.O. 1914, c. 261, s. 22. Penalty.

**27.** Where the owner neglects to keep it in good order or to erect or maintain fences as required by this Act, the Provincial Board may give notice to him to do so, specifying in the notice what he is required to do, and if such owner does not within one month after the notice comply with the requirements of it the Provincial Board may cause what should have been done by him to be done at his expense, and may levy the cost thereof by distress and sale of the owner's goods and chattels, or may maintain an action for the recovery thereof. R.S.O. 1914, c. 261, s. 23. Default of owner.

**28.**—(1) Where no interment has been made in a plot for more than twenty years and the plot owner has not maintained and kept it in a proper state of repair for more than five years or has made default for more than five years in payment of the maintenance charges referred to in section 18, a judge of the Provision for sale of part of lot where no interment made for 20 years.

county or district court of the county or district, on the application of the owner of the cemetery and after notice has been given as provided by subsection 2 and on being satisfied that the facts are as above set out may authorize the owner of the cemetery to sell and convey that part of the plot in which no interment has been made and the proceeds of any such sale shall be invested and the income derived therefrom shall be applied to the perpetual care and maintenance of that part of the plot in which an interment has been made.

Notice of application.

(2) Where the plot owner resides in the county or district to the knowledge of the owner of the cemetery, notice of the application shall be delivered to him personally or sent to his address by registered letter post at least four days before the time fixed for hearing the application and where he resides in some other county or district in Ontario and his place of residence is known by the owner of the cemetery the notice shall be sent to the address of his residence by registered letter post at least ten days before the time fixed for the hearing, and where the place of his residence is not in Ontario or is unknown the judge may direct what notice, if any, shall be given. *New.*

Graves to be provided for strangers and indigents free of charge.

**29.** Where the owner of a cemetery is an incorporated company or a municipal corporation it shall provide graves for strangers and for the indigent free of charge, but an incorporated company shall not be bound to do so in the case of an indigent except upon the certificate of a member of the council of the municipality or of a minister or clergyman that the relatives of the deceased are poor and cannot afford to purchase a lot in the cemetery. R.S.O. 1914, c. 261, s. 25.

#### INTERMENT AND REMOVAL OF REMAINS.

Disinterment in case of certain contagious diseases.

**30.**—(1) The dead body of a person who has died of small-pox, scarlet fever, measles, diphtheria, croup, bubonic plague, cholera, epidemic cerebro spinal meningitis, or epidemic anterior poliomyelitis shall not be disinterred, except for the purpose of transportation or reinterment and in conformity with the regulations.

Transport of dead body by railway, etc.

(2) No such dead body shall be transported by railway, steam or other vessel, or other public conveyance unless prepared in the manner provided by the regulations, and enclosed in a hermetically sealed coffin which shall not be subsequently opened. R.S.O. 1914, c. 261, s. 27.



**31.**—(1) No dead body shall at any time be disinterred or removed from any grave, place of burial or vault, other than a receiving vault, except under and subject to the regulations and under the personal supervision and direction of the medical officer of health. Disinterment of dead body.

(2) The certificate of the medical officer of health that the provisions of this Act and of the regulations have been complied with shall be affixed to the coffin or other receptacle containing the dead body before its removal from the cemetery. Certificate of Medical Officer of Health.

(3) Every person who disinters or removes from any such grave, place of burial or vault any dead body except as hereinbefore provided, and every person who conveys or transports any such body in contravention of the provisions of this Act shall incur a penalty of \$100. R.S.O. 1914, c. 261, s. 28. Penalty.

**32.** Every human body interred in a cemetery, which is not placed or buried in a private vault so constructed as to prevent the escape of noxious or unhealthy gases therefrom, shall be buried so that the outside cover or shell of the coffin or other receptacle shall be at least four feet beneath the natural surface of the ground, and the coffin or other receptacle shall be immediately covered with at least four feet of earth. R.S.O. 1914, c. 261, s. 29. Precautions to prevent escape of noxious or unhealthy gases.

**33.**—(1) Notwithstanding anything herein contained, where it is deemed necessary to disinter any dead body for the purpose of a judicial proceeding, the court in which the proceeding is pending may direct its disinterment under and subject to such conditions as to reinterment as may be deemed proper. Order for disinterment by court.

(2) Where the Attorney-General deems it expedient for the purpose of an enquiry as to the cause of death or for the purpose of any criminal proceeding that a body should be disinterred he may exercise the powers mentioned in subsection 1. R.S.O. 1914, c. 261, s. 30. Order by the Attorney General.

(3) A coroner who has issued his warrant for the holding of an inquest upon a dead body may direct it to be disinterred. R.S.O. 1914, c. 261, s. 31. Disinterment for inquest.

#### CLOSING CEMETERIES.

**34.** Where the Provincial Board reports in writing that a cemetery is so situated that, owing to the want of proper facilities for drainage or from any other cause, the same has become or is likely to become dangerous to the health of the inhabitants of the locality the Lieutenant-Governor in Council may by proclamation declare that the cemetery shall be

closed

closed and that no further interments shall take place therein R.S.O. 1914, c. 261, s. 32.

### 35.—(1) Whenever

Removal  
of bodies  
and reinter-  
ment in  
another  
cemetery.

- (a) a cemetery has been closed by proclamation of the Lieutenant-Governor in Council as hereinbefore provided; or
- (b) the owner of a cemetery establishes to the satisfaction of the Lieutenant-Governor in Council that it is expedient that the bodies therein should be removed therefrom,

the Lieutenant-Governor in Council may direct such removal in the manner and according to the procedure provided by this section.

Notice of  
application.

(2) Before the application for an order under clause *b* of subsection 1 is granted the owner shall give notice of the application once a week for four successive weeks in the *Ontario Gazette* and in a newspaper published in the local municipality in which the cemetery is situate, or if there is no such newspaper then in a newspaper published in the county or district town, and by registered letter addressed to every plot owner in the cemetery whose address is known or can be ascertained by the owner.

Notice of  
order to be  
published.

(3) After the making of the order the owner shall forthwith give notice thereof by publication once a week for at least two successive weeks in the *Ontario Gazette* and in a newspaper published in the local municipality in which the cemetery is situate, or if there is no such newspaper then in a newspaper in the county or district town, that he will, at the expiration of thirty days from the publication of the last of such notices, disinter and remove such bodies and reinter them in the place described in the notice which shall be in some cemetery in the same or in an adjacent municipality.

When may  
be removed.

(4) At the expiration of the time fixed by such notice any bodies not removed by the relatives or friends of the deceased may be removed by the owner at his own expense, and when removed shall be reinterred by him in the cemetery mentioned in the notice.

When ss. 30,  
31, and 32  
to apply.

(5) The provisions of sections 30, 31 and 32 shall apply to such disinterment, removal and reinterment.

Removal  
and re-  
erection of  
monuments,  
etc.

(6) The owner shall remove all monuments or headstones or other stones marking the graves in which bodies so re-

moved

moved are buried, and shall re-erect or replace them in the cemetery to which such bodies are removed.

(7) If and when the owner satisfies a judge of the county or district court of the county or district that he has removed from the cemetery and reinterred as hereinbefore provided all the remains which with the exercise of reasonable diligence he has been able to find buried in such cemetery, the judge may certify that the provisions of this section have been complied with and such certificate may be registered in the proper registry or land titles office on the production thereof.

Certificate of county or district judge as to removal and registration of.

(8) The certificate when so registered shall be conclusive evidence that the owner has removed from the land therein described all the remains there buried; and thereafter such land shall not be deemed a cemetery within the meaning of this Act but may be sold, leased or otherwise disposed of and dealt with by the owner as if it had not been a cemetery. R.S.O. 1914, c. 261, s. 33.

Effect of certificate.

#### MISCONDUCT IN CEMETERY.

### 36.—(1) No person shall

Prohibitions.

- (a) wilfully destroy, mutilate, deface, injure or remove any tomb, monument, gravestone or other structure placed in a cemetery, or any fence, railing or other work for the protection or ornament of a cemetery, or of any such tomb, monument, gravestone or other structure or of any lot within a cemetery; or Injuring property.
- (b) wilfully destroy, cut, break, or injure any tree, shrub or plant in a cemetery; or wilfully injure, destroy or deface any building or structure or any road, walk or other works in the cemetery; Idem.
- (c) play at any game or sport in a cemetery; or Playing games, et c.
- (d) discharge firearms in a cemetery except at a military funeral; or Discharging firearms.
- (e) wilfully and unlawfully disturb persons assembled for the purpose of burying a body therein; or Disturbing funerals.
- (f) commit a nuisance in a cemetery. Committing nuisance.

(2) Every person who contravenes the provisions of subsection 1 shall incur a penalty of not less than \$4 nor more than \$40. Penalty.



**Animals.**

(3) No person shall bring any dog, goat, or cattle within the limits of a cemetery, and every person so doing shall incur a penalty of not more than \$20.

**Liability to action.**

(4) Every person who contravenes subsection 1 or subsection 3 shall also be liable in an action in the name of the owner of such cemetery or of a burial plot upon which such damage is done or other unlawful act committed to pay all damages occasioned by his unlawful act, and when recovered the same shall be applied under the direction of the owner of the cemetery for the reparation and reconstruction of the property destroyed. R.S.O. 1914, c. 261, s. 34.

## PART II.

## POWERS OF MUNICIPAL CORPORATIONS.

**When municipality to maintain cemetery.**

**37.**—(1) Where the owner of a cemetery cannot be found or is unknown or is unable to maintain it, the council of the local municipality in which the cemetery is situate shall be charged with the duty of maintaining it and the corporation of the local municipality shall for the purposes of this Act be deemed to be the owner of the cemetery.

**Inspectors, appointment of.**

(2) The council of every county may appoint one or more local inspectors who shall have the duties and powers within the municipality, of inspectors employed by the Lieutenant-Governor in Council under the provisions of section 11 (1).

**Refusal or neglect to maintain cemetery.**

(3) Where the council of a municipality neglects or refuses to properly maintain a cemetery under the provisions of this section, any inspector appointed under section 11, or under subsection 2 of this section, or the corporation of the county, or the Provincial Board of Health, may apply to the Supreme Court by way of originating notice according to the practice of the Court, for an order directing the municipal corporation in default to do whatever should be done by the owner of a cemetery for the proper maintenance thereof, and in case of disobedience to any such order the municipal corporation so in default and every member of the council of such corporation shall be liable as for contempt of court and punishable accordingly; provided that no member of the council shall be held so liable who proves to the satisfaction of the court that he was not a consenting party to such default and did everything in his power to secure the carrying out of the directions contained in the order. 1924, c. 78, s. 2.

**38.** Subject to the provisions of Part I and to the regulations the council of every local municipality and the trustees of every police village may pass by-laws for:

- (a) making an annual or other grant of money to the owner of a cemetery situate in the municipality or the police village, or in any adjacent municipality or police village; For making annual grants, etc.
  - (b) regulating funerals and the interment of the dead; Regulating funerals, etc.
  - (c) acquiring land in the municipality or in the police village or in an adjacent township for a cemetery, or for the enlargement of an existing cemetery of which the corporation is the owner; For acquiring land.
  - (d) selling or leasing portions of such land for the purpose of interment in family vaults or otherwise, and fixing the terms on which the same shall be conveyed or leased and held; For selling plots, etc.
  - (e) the maintenance, management, regulation and control of any cemetery which is owned by the corporation or the trustees whether situate within or without the municipality or police village. For maintenance, regulation and control of cemetery.
- R.S.O. 1914, c. 261, s. 36.

**39.** The council of every urban municipality and the trustees of every police village may pass by-laws for prohibiting the interment of the dead within the municipality or police village. By-laws prohibiting the interment of the dead. R.S.O. 1914, c. 261, s. 37.

**40.** The owner of any existing cemetery or of any land held for cemetery purposes may sell or transfer the same to any municipal corporation, or the trustees of any police village, and if the land has not been used for burial purposes the corporation may sell the same and acquire other land in lieu of it. Power to sell to municipal corporation. R.S.O. 1914, c. 261, s. 38.

**41.** The council of any city or town for which there is a board of park management established under *The Public Parks Act* may by by-law transfer the control and management of a cemetery vested in the corporation of the municipality to such board, and thereafter the cemetery shall be vested in the board of park management and the board shall have the control and management of the cemetery and shall be responsible for the maintenance thereof in the same manner and to the same extent as a municipal corporation owning and maintaining a cemetery under the provisions of this Act. Council of city or town may transfer cemetery to board of park management. 1914, c. 45, s. 1, *part.*

Township  
cemetery  
board.

**42.**—(1) The council of a township may by by-law appoint a board consisting of not less than three nor more than seven persons who shall hold office during the pleasure of the council, and may by the by-law provide that the board shall have and may exercise within the municipality all the powers and perform all the duties of a municipal council with respect to cemeteries within the township, including the powers and duties mentioned in section 37.

Board to  
be a cor-  
poration.

(2) The board shall be a corporation by the name of "The Cemetery Board of the Township of \_\_\_\_\_" and the ownership and control of the cemeteries owned or controlled by the corporation of the township shall be vested in the board. 1914, c. 45, s 1, *part*.

Cemetery  
board in  
village.

(3) The council of a village shall have the like powers as are conferred on townships by subsections 1 and 2 not only with respect to cemeteries in the village but also as to cemeteries outside the village owned and controlled by the corporation of the village. 1915, c. 42, s. 1.

### PART III.

#### TRUSTEES OF CEMETERIES.

When lands  
for cemetery  
may be  
vested in  
trustees.

**43.**—(1) Where the inhabitants of a township or part of a township to the number of ten or more desire to take a conveyance of land for a cemetery not for the exclusive use of any particular religious body, they may appoint trustees to whom and their successors, appointed in the manner provided by the conveyance, the land may be conveyed.

Trustees  
to hold in  
perpetual  
succession.

(2) Such trustees and their successors in perpetual succession, by the name expressed in the conveyance, may take, hold and possess the land in trust for the uses and purposes mentioned therein and may maintain and defend actions for the protection thereof and of their property therein.

Limitation  
to 10 acres.

(3) There shall not be held in trust under any such conveyance more than ten acres. R.S.O. 1914, c. 261, s. 39.

Cemetery  
trustees  
may be  
empowered  
to take  
over other  
cemeteries.

**44.** Where trustees have been appointed to take a conveyance of land for cemetery purposes in any township or village, and have acquired land in the township or village for cemetery purposes, and there is in the township or village other land which has been used as a cemetery and no provision has been made for the appointment of trustees for such last-mentioned land, and there is no person upon whom the

duty



duty of maintaining and caring for the land rests, and the owner of such land is absent or unknown, the Ontario Railway and Municipal Board, upon the application of the trustees and after the giving of such public notice as the Board may deem sufficient, may make an order vesting such last-mentioned land in the trustees, and upon the registering of such order in the proper registry office, the land shall be vested in the trustees, and they shall have and perform the same powers and duties with respect thereto as with respect to other lands conveyed to them for cemetery purposes. 1920, c. 96, s. 2, *part.*

**45.** Where a road allowance which has not been opened <sup>Closing road allowance.</sup> for travel passes through lands used for cemetery purposes or separates or lies between lands used for cemetery purposes, and other lands vested in the trustees under section 44a or conveyed to them, the Ontario Railway and Municipal Board, upon the application of the trustees, and after notice to the council of the municipality and upon being satisfied that it is in the public interest that such road allowance should be closed and that the portion thereof which passes through or adjacent to the cemetery lands should be vested in the trustees, may make an order closing such road allowance and vesting so much thereof as passes through or adjoins the cemetery lands in the trustees, and upon the registration of such order in the proper registry office the lands described in the order shall be vested in the trustees for cemetery purposes. 1920, c. 96, s. 2, *part.*

**46.—(1)** Where land has been set apart or sold for cemetery purposes and used as a cemetery and no provision has been made for the appointment of trustees of such cemetery, <sup>Election of trustees when no other provision made.</sup> or where there is no person upon whom the duty of taking care of and maintaining a cemetery rests, the owners of plots therein may elect trustees in the manner hereinafter provided. R.S.O. 1914, c. 261, s. 40.

(2) Three or more of such owners may call a meeting for the purpose of electing trustees by notice, Form 1, to be published once a week for two successive weeks in a newspaper published in the local municipality in which the cemetery is situate, or if no newspaper is published in the local municipality then in the newspaper published nearest to the local municipality. <sup>For calling meeting.</sup>

(3) The date of the meeting shall not be less than two weeks from the date of the last publication of such notice. <sup>Date of meeting.</sup> R.S.O. 1914, c. 261, s. 41.

Chairman  
and secre-  
tary.

(4) At the time and place named in the notice the plot owners present shall elect from among themselves some person to act as chairman, and shall also elect some person to act as secretary for the meeting.

Three  
trustees to  
be elected.

(5) After the election of the chairman and secretary the members present shall elect from among the plot owners three persons to be trustees of the cemetery. R.S.O. 1914, c. 261, s. 42.

Certificate  
of election.

(6) After the election of the trustees the chairman and secretary shall certify as to such election, Form 2.

Registration  
and filing of  
certificate.

(7) The certificate shall be in triplicate, and one of such triplicates with an affidavit of execution thereof in the form prescribed by *The Registry Act* shall be registered in the proper registry or land titles office, and one of such triplicates shall be filed with the clerk of the local municipality in which the cemetery is situate, and one of such triplicates shall be delivered to the trustees. R.S.O. 1914, c. 261, s. 43.

Effect of  
registration.

(8) Upon the registration of the certificate the cemetery shall be vested in the trustees so appointed and their successors subject to the provisions of any deed or other instrument setting it apart for cemetery purposes or conveying the same or any plot therein for cemetery purposes, and subject to the rights of any person who may have theretofore purchased plots in such cemetery and to the provisions of this Act.

Trustees  
deemed  
owners.

(9) The trustees elected and their successors shall be deemed to be the owners of the cemetery within the meaning of this Act. R.S.O. 1914, c. 261, s. 44.

Vacancies  
among  
trustees.

(10) Whenever a vacancy occurs in the office of trustee, whether originally elected or elected to fill a vacancy, his successor shall be elected, and his election shall be certified and the certificate shall be registered in the manner hereinbefore provided in the case of a first election of trustees. R.S.O. 1914, c. 261, s. 45.

Trustees and  
companies  
holding  
adjoining  
cemeteries  
may appoint  
one board of  
trustees,

**47.**—(1) Where adjoining cemeteries are owned by separate boards of trustees or companies they may appoint trustees to whom and to their successors, appointed in the manner provided by the conveyance, all or any of the land vested in the appointing bodies may be conveyed, and the same may be conveyed accordingly and the trustees appointed by such conveyance and their successors in perpetual succession, by the name expressed in the conveyance, may take, hold and

possess

possess the land thereby or thereafter conveyed to them as a site for a cemetery and for the enlargement of an existing cemetery, and maintain and defend actions for the protection thereof and of their property therein.

(2) Instead of appointing trustees as provided by subsection 1 the cemeteries may be conveyed to and vested in the company or in one of the companies upon such trusts, if any, as the appointing bodies may deem proper. R.S.O. 1914, c. 261, s. 46. <sup>And convey cemeteries to Board.</sup>

**48.** The following Acts and parts of Acts, namely: Repeal.

- (a) *An Act respecting Cemeteries and the Interment of the Dead*, being Chapter 261 of the Revised Statutes of Ontario, 1914;
- (b) *An Act to Amend the Cemetery Act, 1914* (1914, c. 45);
- (c) *An Act to Amend the Cemetery Act, 1915* (1915, c. 42);
- (d) *The Cemetery Amendment Act, 1920* (1920, c. 96);
- (e) *The Cemeteries Amendment Act, 1921* (1921, c. 86);
- (f) *The Cemetery Amendment Act, 1923* (1923, c. 54);
- (g) *The Cemetery Act, 1924* (1924, c. 78);
- (h) *The Cemetery Act, 1925* (1925, c. 75),

are hereby repealed.



## SCHEDULE.

## FORM 1.

(Section 46.)

Take notice that a meeting will be held at (*naming a place in the local municipality in which the cemetery is situate*) at in the of on the day of 19 , at the hour of o'clock in the noon, for the purpose of electing trustees for the cemetery (*here insert description of land sufficient for the purpose of registration and name or designation, if any, of the cemetery*). The owners of plots are requested to attend the meeting.

Dated at the day of , 19 .

A.B., C.D., E.F.,  
Plot Owners.

R.S.O. 1914, c. 261, Schedule, Form 1.

## FORM 2.

(Section 46.)

We hereby certify that at a meeting of the owners of plots in the cemetery, (*here insert description of land sufficient for the purpose of registration and the name or designation, if any, of the cemetery*), of , held pursuant to the provisions of *The Cemetery Act*, at on the day of , 19 , the following persons were elected trustees of the cemetery:

A.B.,	of
C.D.,	of
E.F.,	of

(*insert place of residence and occupation of each trustee.*)

Witness:

Chairman.  
Secretary.

R.S.O. 1914, c. 261, Schedule, Form 2.

## CHAPTER 64.

## An Act to amend The Ontario Game and Fisheries Act.

*Assented to 8th April, 1926.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**1.** This Act may be cited as *The Ontario Game and Fisheries Act, 1926.* Short title.

**2.**—(1) Subsection 1 of section 9 of *The Ontario Game and Fisheries Act* as re-enacted by section 5 of the Act passed in the year 1916, chaptered 60, is repealed and the following substituted therefor,— Rev. Stat. c. 262, s. 9, subs. 1, (1916, c. 60, s. 5) repealed

(1) Non-residents shall not hunt, take, kill, wound or destroy any animal or bird or carry or use a firearm or air gun for such purpose, except under the authority of a license and in all actions and prosecutions under this subsection the possession of any firearm or air gun shall be *prima facie* evidence that the person in possession thereof was hunting or shooting such animals or birds. Non-resident License.

(2) The said section 9 as re-enacted by section 5 of the Act passed in the year 1916, chaptered 60, is amended by adding thereto the following subsection,— Rev. Stat. c. 262, s. 9, (1916, c. 60, s. 5), amended.

(2a) Notwithstanding the provisions of subsection 2, every person who uses any firearm or air gun for the purpose of hunting or shooting any protected or unprotected bird or animal in the counties of Welland, Lincoln, Wentworth and York, except under the authority of a license, shall be guilty of an offence against this Act, but this subsection shall not apply to farmers residing and hunting on their own farms, and in all actions and prosecutions under this subsection the possession of any firearm or air gun

shall

shall be *prima facie* evidence that the person in possession thereof was hunting or shooting such birds or animals.

Rev. Stat.  
c. 262, s. 14,  
subs. 1,  
amended.

**3.**—(1) Subsection 1 of section 14 of *The Ontario Game and Fisheries Act* as amended by subsection 1 of section 11 of the Act passed in the year 1916, chaptered 60, is further amended by striking out all the words after the word "power" in the third line so that the subsection will now read as follows,—

Hunting  
ducks, etc.,  
from sail-  
boats.

(1) No wild duck, goose or other water fowl shall be hunted, taken or killed from a sail-boat, yacht or launch propelled by steam or other power.

Rev. Stat.  
c. 262, s. 14,  
subs. 2,  
amended.

(2) Subsection 2 of the said section 14 is amended by inserting after the word "as" in the third line the word "monitors" and by inserting after the word "batteries" in the third line the words "or boats of any kind other than ordinary row-boats and canoes propelled by hand" so that the subsection will now read as follows,—

Illegal con-  
trivances.

(2) No swivel gun, or gun of any kind of a larger bore or gauge than 8, and no contrivance for taking or killing wild swans, geese or ducks, known as monitors, sunken punts or batteries, or boats of any kind other than ordinary row-boats and canoes propelled by hand shall be used at any time.

Rev. Stat.  
c. 262, s. 14,  
subs. 5,  
(1920, c. 97,  
s. 9),  
amended.

(3) Subsection 5 of the said section 14 as enacted by section 9 of *The Ontario Game and Fisheries Act, 1920*, and amended by subsection 2 of section 8 of *The Ontario Game and Fisheries Act, 1921*, is further amended by striking out the word "and" after the word "woodcock" in the second line and by inserting after the word "partridge" in the third line the words "English ring-necked pheasants, Canada grouse (spruce partridge), sharp-tailed grouse, prairie hen, and Hungarian partridge," so that the subsection will now read as follows,—

Purchase  
and sale of  
wild fowl.

(5) The purchase or sale of wild ducks, wild geese or other water fowl, snipe, quail, woodcock, ruffed grouse, commonly known as partridge, English ring-necked pheasants, Canada grouse (spruce partridge), sharp-tailed grouse, prairie hen and Hungarian partridge is prohibited.

Rev. Stat.  
c. 262, s. 48,  
subs. 1, cl. f  
(1925, c. 76,  
s. 6) repealed

**4.**—(1) The clause lettered f in subsection 1 of section 48 of *The Ontario Game and Fisheries Act* as enacted by section 6 of *The Ontario Game and Fisheries Act, 1925*, is repealed.



(2) Subsection 1 of the said section 48 is amended by adding thereto the following clause,—

Rev. Stat.  
c. 262, s. 48,  
subs. 1,  
amended.

- (g) To a resident of Ontario not under fifteen years of age to use firearms or air guns for hunting purposes as demanded under the provisions of subsection 2a of section 9, and the fee for such license shall be \$1.75, together with a fee of 25 cents for the issuing of same.

License to  
resident of  
Ontario.

5. This Act shall come into force on the day upon which it receives the Royal Assent.

Commence-  
ment of Act.

## CHAPTER 65.

## An Act for the protection of the Property in Foxes kept in captivity.

*Assented to 8th April, 1926.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**Short title.**      **1.** The *Act relating to Foxes kept in Captivity*, being chapter 71 of the Statutes of 1919, may be cited as *The Fur-Bearing Animals Protection Act, 1919*, and this Act may be cited as *The Fur-bearing Animals Protection Act, 1926*.

**1919, c. 71 amended.**      **2.** *The Fur-bearing Animals Protection Act, 1919*, is amended by adding thereto the following section,—

Recording  
brands by  
owner of  
silver or  
black fox  
ranch.

**5a.**—(1) The owner of any ranch or enclosure where silver or black foxes are kept in captivity for breeding purposes may record with the Department of Game and Fisheries a brand which shall be in such form and combination as may be approved by the Minister.

When re-  
newal neces-  
sary.

(2) A brand so recorded shall not be valid for a longer period than three years unless it is renewed by the owner.

Transfer of  
brand.

(3) The owner of any brand shall be entitled to transfer the same to any person applying to the Department and complying with the regulations made regarding such transfer.

Effect of  
record of  
allotment or  
transfer of  
brand.

(4) Upon the recording in the books of the Department of Game and Fisheries of an allotment or transfer of a brand, the person in whose name the same is last recorded shall become the owner of the brand and of all the rights therein and shall be entitled to a certificate of the allotment or transfer and of the recorded entry of the same, and the production of such certificate shall be *prima facie* evidence of

the ownership thereof, without any further proof of the signature of the officer or other person signing the same.

- (5) Where a silver or black fox branded with any such brand escapes from the possession of the owner, the property in such animal and its skin or pelt shall remain in the owner subject to the following provisions of this section. Property in branded animal or pelt.
- (6) Where a silver or black fox escapes from such ranch or enclosure, the property in such animal shall remain in the owner of the ranch or enclosure when branded as aforesaid upon an ear or ears of the animal, and the person capturing or killing such animal shall not acquire any property right in the animal or in the pelt, if killed, except as hereinafter provided. Ibidem.
- (7) Every person into whose possession such animal shall come, shall forthwith advertise the fact and the place and date of its capture together with a description of the animal, its place of captivity and the name and place of residence of the person advertising the same, and such advertisement shall be published in a newspaper at least once a week for two consecutive weeks in the county or district where the animal is captured. \*  
Advertisement by captor.
- (8) If, within one month after the date of the last publication of such advertisement no claim has been made by or on behalf of the owner and identification of the animal by its brand corresponding with the registered brand, such animal shall become the property of the captor, but where a claim of ownership is made and identification is verified, the captor or person having the custody of the animal shall, upon payment of all costs incurred for advertising and an additional allowance of fifty cents per day for the maintenance of the animal while in his possession, deliver such animal to the owner or his nominee. When property to pass to captor.
- (9) Where any such animal is found dead or is killed or dies while in the custody of any person other than the owner, the person finding or killing such animal or having such custody shall take all necessary steps to preserve the pelt thereof and shall advertise the possession of the pelt in the manner provided by subsection 7 and shall deliver up the pelt to the Property in pelt after capture.



owner of the ranch or other enclosure upon proof of ownership and identification in the manner provided by subsection 8.

Liability of  
owner for  
damages of  
animal.

- (10) Notwithstanding anything hereinbefore contained where any such animal is captured or killed while doing damage to property the owner of the animal, in addition to any other costs above mentioned, shall be responsible for damages caused by the animal while it was alive.

Regulations.

- (11) The Minister of Game and Fisheries, with the approval of the Lieutenant-Governor in Council, may make regulations,—

- (a) providing for the recording of all brands registered in the Department;
- (b) prohibiting the imitating of any brand or the improper use of the same;
- (c) for imposing fees for the allotment of brands and the renewal and transfer thereof and for searches made in the register of brands;
- (d) generally for the better carrying out of the provisions of this section.

Commence-  
ment of Act.

3. This Act shall come into force on the day upon which it receives the Royal Assent.

## CHAPTER 66.

## An Act to amend The Department of Education Act.

*Assented to 8th April, 1926.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**1.** This Act may be cited as *The Department of Education Act, 1926.* Short title.

**2.** *The Department of Education Act* is amended by adding thereto the following section,— Rev. Stat. c. 265, amended.

6c. Notwithstanding anything in any Act contained fixing the rate of interest to be paid or credited to any school corporation by the Treasurer of Ontario upon school securities, sinking funds or debentures deposited with or in the hands of the Treasurer of Ontario, either as an investment by the Province or for investment on behalf of a school corporation, the rate at which interest shall be allowed to, paid by, or credited to a school corporation, upon any such securities, sinking funds or debentures heretofore or hereafter deposited with or purchased by the Treasurer of Ontario shall be the current rate of interest as fixed from time to time by the Lieutenant-Governor in Council, to be based upon the average rate of interest actually payable upon the moneys borrowed on behalf of Ontario as a Provincial loan and then outstanding. Fixing current rate of interest on debentures, etc., held by Treasurer.

## CHAPTER 67.

## An Act to amend the School Laws.

*Assented to 8th April, 1926.*

**HIS MAJESTY**, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**Short title.**      **1.** This Act may be cited as *The School Law Amendment Act, 1926*.

**1920, c. 100, s. 15d (1925, c. 78, s. 3), repealed.**      **2.** Section 15d of *The Public Schools Act, 1920*, as enacted by section 3 of *The School Law Amendment Act, 1925*, is repealed and the following substituted therefor,—

County by-law setting aside metropolitan school area.

**15d.**—(1) The council of any county in which there is situate a city having a population of not less than 100,000 may, subject to the approval of the Lieutenant-Governor in Council, by by-law passed before the 1st day of July in any year set aside any defined area in the county adjacent to the city as a metropolitan school area and in and by such by-law shall name the person to be the secretary-treasurer of the metropolitan school area until some other person is appointed by the metropolitan public school board to be established as hereinafter provided.

**Board.**

(2) Where a by-law has been passed under the provisions of subsection 1 there shall be established a metropolitan school board for the metropolitan school area and such board shall consist of one member elected by the vote of the supporters of public schools in each municipality or portion of a municipality included in the metropolitan school area and of six members to be elected by general vote of the public school supporters throughout the metropolitan school area.



- (3) The members of the board to be elected in each such municipality or portion of a municipality shall be elected in the same manner and at the time and place provided for the election of members of the municipal councils in the municipalities included in the metropolitan school area and the first election shall take place at the municipal election held next after the passing of the by-law and the persons qualified to vote shall be those only who shall be qualified to vote for public school trustees in the municipality or portion of a municipality. Election of representatives in local municipalities.
- (4) The members so elected shall be elected annually. Annual election.
- (5) The members of the board shall possess the same qualifications as urban school trustees. Qualification.
- (6) The secretary-treasurer shall be the returning officer for the metropolitan school area. Returning officer.
- (7) Nominations for the election of the six members of the board to be elected by general vote shall be made by filing in the office of the returning officer on or before the hour of two o'clock in the afternoon of the last Monday in the month of November a nomination paper in writing signed by at least one hundred persons qualified to vote at the election being entered on the voters' list as public school supporters in the metropolitan school area, and the nomination paper shall contain the names, addresses and qualification in respect of which such person signing the paper has the right to vote and the signatures to such nomination paper shall be witnessed by some person of the age of twenty-one years and qualified as aforesaid. Nominations for election of members by general vote.
- (8) No person shall be qualified to be elected by general vote unless he is a resident in the metropolitan school area and qualified to vote as a public school supporter therein. Residence required.
- (9) If more than six persons are nominated then immediately after the expiry of the time for filing the nomination paper the returning officer shall notify the clerk of each local municipality the whole or any portion of which is included in the metropolitan school area, of the names, addresses and occupations of the persons so nominated and the clerk of every such local municipality shall cause ballots to be printed in the same manner as nearly as may be as Poll.

in the case of the election of school trustees in the municipality, setting out the names, addresses and occupations of each person so to be elected by general vote, and the polls shall be taken in the same manner and at the same time and place as in the case of the election of members of the board representing local municipalities.

Returns  
from local  
municipalities.

- (10) At the close of the poll in each local municipality the clerk or other local returning officer shall transmit to the returning officer a statement showing the votes cast for each candidate including the candidates for election as representatives of the local municipality and upon the receipt of the last of such returns the returning officer, at the hour of two o'clock in the afternoon on the third Monday in January next after the last of such elections shall at his office make up from the statements so received by him the total number of votes cast for each candidate and publicly declare the result of the election, and the returning officer shall thereupon certify in writing over his hand and seal the names of the persons so elected and shall deliver or send by post a copy of such certificate to each of the candidates.

Term of  
office of  
members  
elected by  
general vote.

- (11) The six members elected by general vote at the first election shall hold office for two years and an election shall be held in every second year in the manner hereinbefore provided.

Vacancies.

- (12) Where any member of the board dies, retires from office or vacates his seat by reason of disqualification or by reason of non-attendance, or becomes incapable of acting, the board shall at the next meeting after the occurrence of such vacancy appoint a duly qualified person to fill the vacancy for the remainder of the term for which the person whose office has become vacant was elected.

First  
meeting  
in year.

- (13) The first meeting of the board shall be held at the hour of two o'clock in the afternoon on the last Monday in January next after the passing of the by-law mentioned in subsection 1 and thereafter the first meeting of the board for each year shall be held annually at the same time and on the same day, and the board in each year shall be organized by the election of a chairman who shall thereafter preside, but until the election of a chairman the secretary-treasurer shall preside.

- (14) Until the time of the organization of the first board the existing school trustees of the various public school boards of the municipalities included in the metropolitan school area shall continue to hold office but upon the organization of the board for the metropolitan school area the public school boards theretofore established in the area shall be dissolved and all property, real and personal, vested in such boards, together with all rights and privileges theretofore vested in them shall be vested in the metropolitan school board. Dissolution of existing boards.
- (15) Where a metropolitan school board is established under this section the board shall at its first meeting in each year appoint three persons who need not be members of the board and who shall constitute an equalization commission whose duty it shall be to equalize the assessment for public school purposes in the various municipalities included in the metropolitan school area and the equalization commission shall make its report to the board within two months after such appointment. Equalization commission.
- (16) A copy of the report of the equalization commission shall be forwarded to every municipality included in, or a portion of which is included in the metropolitan school area. Report of equalization commission.
- (17) An appeal shall lie on behalf of any municipality from the report of the equalization commission to the judge of the county court of the county who shall hear and determine such appeal and whose decision shall be final. Appeal.
- (18) The procedure upon such appeal shall be the same as nearly as may be as in the case of an appeal from the decision of the county council upon the equalization of assessment for county purposes. Procedure on appeal.
- (19) For the purposes of this Act a metropolitan school area shall be deemed to be an urban municipality and the metropolitan public school board may issue debentures in its corporate name in the same manner as nearly as may be as in the case of debentures issued by a municipal corporation for public school purposes and all the provisions of *The Consolidated Municipal Act, 1922*, and of *The Public Schools Act, 1920*, with respect to the issue of debentures for public school purposes shall apply, but it shall not be necessary to obtain the assent of the electors in the



metropolitan school area to any by-law for the issue of debentures of the board in any case where the Ontario Railway and Municipal Board, upon the application of the metropolitan public school board, certifies in writing that the annual rate required to meet the payment of principal and interest on any issue of debentures will not exceed, together with any already issued and outstanding thirty per centum of the total rate required to be levied for public school purposes in the metropolitan school area.

Board  
to assume  
liabilities  
and obliga-  
tions of  
existing  
boards.

- (20) The board of the metropolitan school area shall be responsible for and shall discharge all liabilities and obligations of each of the school sections or municipalities included in the metropolitan school area and any indebtedness of the board of any school section or municipality shall be provided for by the general rate levied upon all property liable for taxation for public school purposes in the metropolitan school area.

Annual  
estimates.

- (21) (a) The metropolitan school board shall annually, on or before the 1st day of March, make up its estimates of the cost of establishing, equipping and maintaining public schools in the metropolitan school area and the same shall be raised, levied and collected by general rate levied upon all property liable to taxation for public school purposes in the metropolitan school area.

Apportion-  
ment of  
amount  
required.

- (b) The board shall apportion to each municipality, all or any part of which is included in the metropolitan school area, the amount to be raised in that municipality and it shall be the duty of the council of such municipality to raise, levy and collect the same accordingly.

No other  
rates to be  
levied or  
shared in.

- (c) No rates for public school purposes other than those provided for by this Act shall be raised, levied or collected in the metropolitan school area and the metropolitan school area shall not share in the expenditure of any sum raised by any such rate except the rates to be levied and collected for the metropolitan school board under the authority of this Act.

Rural  
schools in  
metropolitan  
school area.

- (22) Notwithstanding anything in the foregoing subsections of this section contained a public school in any part of a metropolitan school area which, if such part were not included in the metropolitan school

area would be a rural school, shall be deemed a rural school for the purposes of this Act except as otherwise expressly provided in this section.

3. *The Public Schools Act, 1920*, is amended by adding <sup>1920, c. 100,</sup> thereto the following section,—<sup>amended.</sup>

60a.—(1) The municipal council of a city having a population of over 100,000 and in which there is a board of public school trustees, may submit to the electors assessed as public school supporters in the municipality in the manner provided by *The Consolidated Municipal Act, 1922*, a question in the following form, namely,—

Are you in favour of the election of members  
of the public school board by general YES  
vote of the electors of the city instead  
of by wards? No

and if the majority of the votes on the said question are in the affirmative, at the first annual election held thereafter nine trustees shall be elected of whom three shall hold office for three years, three for two years and the remaining three shall hold office for one year, to be determined by lot at the first meeting of the board, and each trustee shall hold office until his successor has been elected.

- (a) Upon the organization of the board first elected after an affirmative vote the term of office of all trustees elected prior to the last election shall notwithstanding anything to the contrary in this Act expire.
- (2) After such first election, three trustees shall be elected annually by vote of the electors of the whole municipality, and such trustee shall hold office until his successor has been elected. <sup>Annual election.</sup>
- (3) After such question has been submitted and carried in the affirmative, the system of election provided for in subsections 1 and 2 shall remain in force for three years succeeding the year in which the vote was taken, but the council may thereafter submit to the electors assessed as public school supporters the following question, namely,—

Are you in favour of electing public school trustees by wards instead of by general YES  
vote? No

and if a majority of the persons voting on the said question vote in the affirmative then in the year

next following that in which the vote is taken and for three years thereafter trustees shall be elected by wards in the manner provided by section 60.

1920, c. 100,  
s. 90,  
amended.

4. Section 90 of *The Public Schools Act, 1920*, is amended by adding thereto the following subsection,—

Payment  
of salary  
to teacher  
when under  
quarantine.

(4a) Every teacher shall be entitled to his salary notwithstanding his absence from duty in any case where he is quarantined or otherwise prevented by order of the medical health authorities from attending upon his duties.

Rev. Stat.  
c. 268, s. 7,  
amended.

5. Section 7 of *The High Schools Act* is amended by adding thereto the following subsection,—

Establish-  
ment of one  
or more high  
schools in  
high school  
district.

(5) The board of trustees of a high school district established under subsection 1 may establish a high school and, with the approval of the Minister, such additional high schools as the trustees may deem necessary and, subject to the provisions of section 38, may provide for the location, erection, maintenance and management of the high school or schools so established.

Rev. Stat.  
c. 268, s. 24,  
amended.

6. Section 24 of *The High Schools Act* is amended by adding thereto the following clause,—

Trans-  
portation of  
pupils.

(ee) To provide, where the board deems it expedient, for the transportation of pupils attending high school in a township and to enter into an agreement for that purpose with any municipal corporation or commission, or with any other person authorized so to do for granting special rates or making other arrangements for the transportation of such pupils on any street railway or by bus or otherwise and to pay for such transportation out of any funds available for the maintenance of the high school.

1921, c. 90,  
amended.

7. *The Vocational Education Act, 1921*, is amended by adding thereto the following section,—

Appoint-  
ment of  
member of  
separate  
school board  
to advisory  
committee.

8a. Where a board of education has been established and the board of separate school trustees has not appointed a member of such board the board of education shall appoint from among its members a representative or representatives to complete the number of representatives of the board on any advisory committee constituted under section 8 and the member so elected shall hold office until the expiry of the period for which he was elected or appointed to the board of education.

Commence-  
ment of  
Act.

8. This Act shall come into force on the day upon which it receives the Royal Assent.



## CHAPTER 68.

## An Act to amend The University Act.

*Assented to 8th April, 1926.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The University Act, 1926.* Short title.

2. The agreement between the governors of the University of Toronto and the Board of Directors of the Royal College of Dental Surgeons of Ontario, a copy of which forms a schedule to this Act, is hereby ratified and confirmed. Agreement with College of Dental Surgeons confirmed.

3. Subsection 5 of section 7 of *The University Act* is repealed, and the following substituted therefor,— Rev. Stat. c. 279, s. 7, subs. 5, repealed.

(5) The following are declared to be the colleges affiliated with the university, that is to say—Albert College, the Ontario Agricultural College, The Royal College of Dental Surgeons, The Ontario College of Pharmacy, The Columbian Methodist College, The Ontario Veterinary College and The Ontario College of Art; The Ontario Ladies College and Alma College which are affiliated with the university by reason of their having been affiliated with Victoria University when that university became federated with the university, and St. Hilda's College, which is affiliated with the university by reason of its having been affiliated with Trinity College when Trinity College became federated with the University. Affiliated colleges.

4.—(1) Clause *c* of section 32 of *The University Act* is amended by substituting for the word and figure "subsection 2" in the third line thereof, the word and letter "clause *b*" so that the clause will now read as follows,— Rev. Stat. c. 279, s. 32, cl. c, amended.

(c) make regulations respecting and provide for the retirement and superannuation of any of the persons mentioned in clause *b*, or the payment of a gratuity Super-annuation and retiring allowance.

to any of them upon retirement and provide that any superannuation or retiring allowance or gratuity shall be paid out of a fund which may be created for that purpose either with the moneys of the Board, or by contributions from such persons, or partly by both:

Rev. Stat. c. 279, s. 32, cl. u, subcl. 4. *The University Act* as enacted by the Act passed in the year 1916, chaptered 63, is amended by inserting after the word "not" in the second line of the said subclause the words "without the approval of the Lieutenant-Governor in Council," so that the subclause will now read as follows,—

Limit of amount to be borrowed by University.

(i) The total sum to be so borrowed and remaining unpaid at any one time shall not, without the approval of the Lieutenant-Governor in Council, exceed \$250,000.

Rev. Stat. c. 279, s. 41, cl. b, repealed.

5.—(1) Clause *b* of section 41 of *The University Act* is repealed and the following substituted therefor,—

Representation of faculties in senate.

(b) The faculties shall be entitled to representation as follows,—

The Faculty of Arts of the University by the professors (not including associate or assistant professors) of the faculty, each of whom shall be a member of the Senate;

The Faculty of Medicine by five members thereof;

The Faculty of Applied Science and Engineering by five members thereof;

The Faculty of University College by three members thereof;

The Faculty of Arts of Victoria University by three members thereof;

The Faculty of Arts of Trinity College by three members thereof;

The Faculty of Arts of St. Michael's College by three members thereof;

The Faculty of Dentistry by four members thereof;

and

The

The Faculty of Arts of every university and arts college hereafter federated with the University by three members thereof;

(2) Clauses *c* and *d* of section 41 of *The University Act* are repealed and the following substituted therefor,—

Rev. Stat.  
c. 279, s. 41,  
clauses *c*  
and *d*,  
repealed.

(*c*) One member shall be appointed by each federated university, two members shall be appointed by each federated college, except St. Michael's College which shall appoint one member, one member shall be appointed by the Law Society of Upper Canada, one member by the Ontario Medical Council, one member by the Royal College of Dental Surgeons, and subject to any statute, one member shall be appointed by the governing body of every affiliated college which now is or shall hereafter be entitled to appoint a representative;

Number of  
of members  
to be ap-  
pointed by  
federated  
universities  
and colleges,  
law society,  
medical  
council, den-  
tal college  
and  
affiliated  
colleges.

(*d*) Twelve members shall be elected by the graduates in Arts in the University, who at the time of graduation were enrolled in University College; five members shall be elected by the graduates in Arts and Science of Victoria University, and the graduates in Arts of the University, who at the time of graduation were enrolled in Victoria College; five members shall be elected by the graduates in Arts and Science of Trinity College, and the graduates in Arts of the University, who at the time of graduation were enrolled in Trinity College; five members shall be elected by the graduates in Medicine; four members shall be elected by the graduates in Applied Science and Engineering, and by such persons as hold the diploma of the School of Practical Science, or of the University; two members shall be elected by the graduates in Law; two members shall be elected by the graduates in Agriculture; and four members shall be elected by such persons as hold certificates as principals of collegiate institutes or high schools or assistants therein, and are actually engaged in teaching in a collegiate institute or a high school, and one member by such persons as hold certificates as principals of vocational schools or assistants therein and are actually engaged in teaching in a day vocational school.

Election of  
members by  
graduates.

(4) Section 41 of *The University Act* is amended by adding after clause *d*, the following subclause,—

Rev. Stat.  
c. 279, s. 41,  
amended.



Appointment of members by graduates not enrolled in federated colleges.

- (i) Bachelors of Arts of the University who have not been enrolled in University College, or in a federated university or arts college, and Masters of Arts and Doctors of Philosophy of the University, whose bachelor's degree was obtained in another university, shall be entitled to appoint one member for each one hundred of such graduates, but in no case shall the number of representatives exceed two.

Rev. Stat. c. 279, s. 41, amended.

- (5) Section 41 of *The University Act* is amended by adding after clause *e*, the following subclause,—

Representation of graduates from St. Michael's College.

- (i) The provisions of this clause shall govern in respect of the representation of the graduates in Arts of the University, who at the time of graduation were enrolled in St. Michael's College.

Rev. Stat. c. 279, s. 41, cl. *f*, amended.

6. Clause *f* of section 41 of *The University Act* is amended by inserting after the word "Senate" in the fourth line, the words "of the Faculty and" so that the clause will now read as follows,—

Representation on Senate of faculties hereafter established.

- (*f*) If and when any new faculty is established in the University, provision may be made by the Senate, subject to confirmation by the Board for the representation on the Senate of the Faculty and of the graduates in such faculty.

Rev. Stat. c. 279, s. 60, amended.

7. Section 60 of *The University Act* is amended by inserting after the word "thereof" in the second line, the words "and by such persons as hold the diploma of the School of Practical Science or of the University," so that the section will now read as follows,—

Election of Chancellor.

60. There shall be a Chancellor of the University who shall be elected by the graduates thereof, and by such persons as hold the diploma of the School of Practical Science or of the University, at the time and in the manner hereinafter mentioned.

Rev. Stat. c. 279, s. 66, subs. 1, amended.

8. Subsection 1 of section 66 of *The University Act* is amended by inserting after the word "University" in the fifth line, the words "or federated arts college" and by inserting in the ninth line after the word "University" the words "or arts college" so that the subsection will now read as follows,—

Faculty council.

- (1) There shall be a faculty council to be known as "The Council of the Faculty of Arts" which shall consist of the President of the University, the Principal of University College, the president or other head of every federated university or federated arts

college,

college, the Dean of the Faculty of Arts, the teaching staff in the Faculty of Arts of the University, the teaching staff of University College, the teaching staff of Victoria College, of Trinity College and of every other university or arts college hereafter federated with the University, one professor in the department of religious knowledge appointed by the theological faculty in each federated university now or hereafter federated, and one professor appointed by each of the federated colleges.

**9.** Section 90 of *The University Act* is amended by adding thereto the following subsection,— Rev. Stat. c. 279, s. 90, amended.

- (2) Where a card catalogue containing the names and known addresses of such graduates is kept, it shall not be necessary to prepare the alphabetical list mentioned in subsection 1. Use of card catalogue in place of list of graduates.

**10.** Section 91 of *The University Act* is amended by adding in the first line after the words "posted up" the words "or the card catalogue shall be kept." so that the section will now read as follows,— Rev. Stat. c. 279, s. 91, amended.

91. The election register shall be posted up or the card catalogue shall be kept in a conspicuous place in the office of the Registrar, not later than the fifteenth day of August, in every such year and shall be open to inspection by any graduate entitled to vote at all reasonable hours. Right to inspect list or catalogue.

**11.** Subsection 1 of section 96 of *The University Act* is amended by striking out all the words therein after the words "separate lists" in the second line, and inserting in lieu thereof the words "to conform to the various groups enumerated under section 41" so that the subsection will now read as follows,— Rev. Stat. c. 279, s. 96, subs. 1, amended.

- (1) The Registrar, in preparing the election register, shall make separate lists to conform to the various groups enumerated under section 41. Manner of preparing election register.

**12.** Section 114 of *The University Act* is repealed and the following substituted therefor,— Rev. Stat. c. 279, s. 114 repealed.

- 114.—(1) If from any cause any election provided for by this Act is not held as hereinbefore provided, or if the full number of members which any body is entitled to elect is not elected, instead of an election Failure of election of representatives by any body entitled to elect.

being

being held, the Senate at a special meeting called for that purpose, may appoint the number of members which such body has failed to elect.

- (2) If the Senate should by resolution decline to appoint the members which any body has failed to elect, the board shall make provision for holding the election or an election of the number of members which such body has failed to elect, as the case may be, and fix the dates for the nominations and the other proceedings for taking, counting and recording the votes thereat and declaring the result thereof, and such proceedings shall, as far as may be practicable, be conformable with those provided by this Act.

Rev. Stat.  
c. 279,  
amended.

**13.** *The University Act* is amended by adding the following section,—

Quorum  
of senate.

- 114a. Notwithstanding any vacancy in the membership of the Senate, however caused, as long as there are at least 20 members, it shall be competent for the Senate to exercise all or any of its powers.

Commence-  
ment of  
Act.

**14.** This Act shall come into force on the day upon which it receives the Royal Assent.

## SCHEDULE "A."

### BY-LAW NUMBER 52.

#### TO ESTABLISH A FACULTY OF DENTISTRY.

Whereas under and by virtue of *The University Act* being Chapter 279 of the Revised Statutes of Ontario, 1914, the Board of Governors of the University of Toronto is empowered to establish such Faculties, Departments, Chairs and Courses of Instruction in the University as to the Board may seem meet;

And whereas it has seemed to the Board desirable to establish a Faculty of Dentistry;

Be it therefore enacted by the Governors of the University of Toronto;

1. That a Faculty of Dentistry in the University of Toronto be and the same is hereby established.

2. That the terms agreed upon by representatives of the University and the Royal College of Dental Surgeons in connection with such Faculty, as set out in the Schedule attached, be and they are hereby approved and assented to, effective 1st July, 1925.

Passed the eleventh day of June, 1925.

(Sgd.) H. J. CODY, *Chairman.*  
(L.S.)

SCHEDULE



## SCHEDULE TO BY-LAW NUMBER 52

In the following statement:

"The University" shall mean the University of Toronto. "The Board" shall mean the Board of Directors of the Royal College of Dental Surgeons of Ontario. "R.C.D.S." shall mean the Royal College of Dental Surgeons of Ontario.

1. That a Faculty of Dentistry be established by the University of Toronto.

2. That the teaching staff of the School of Dentistry be appointed to positions of like rank in the proposed Faculty, subject to such adjustments as may be deemed necessary.

3. That so far as possible instruction shall be conducted in the lecture rooms and laboratories of the Dental Building as at present.

4. That the Council of the Faculty of Dentistry shall include in its active membership, but not for purposes of teaching, three representatives of the Board, to be nominated by the Board.

5. That one member of the Board shall be elected by and from the Faculty of Dentistry.

6. That the representation of the Faculty on the Senate of the University shall consist of not less than four and not more than five members.

7. That the representation of the graduates in Dentistry upon the Senate shall be not less than two members.

8. That so long as the regulations and curriculum maintained by the Faculty of Dentistry of the University of Toronto are not less than the minimum requirements of the Board, the Faculty shall be the only body engaged in the teaching of Dentistry in Ontario, recognized by the Board, unless and until the Government of Ontario directs otherwise.

9. That the University and the Board shall co-operate in the examinations for the degree of Doctor of Dental Surgery and for the title Licentiate of Dental Surgery.

10. That whatever arrangements are made respecting co-operation in the examination of candidates, the Board shall retain its present rights and powers in respect to examination for license to practise dentistry within the Province of Ontario.

11. That the University shall transmit annually to the Board a list of those candidates who have met the conditions prescribed for the degree of Doctor of Dental Surgery as a preliminary to the issuance of the License, and the examination record of such other candidates as at the request of the Board have been examined by the Faculty.

12. That the University, as a part of the regular tuition fee, shall receive for and transmit to the Board annually the sum of \$10 for each student registered as in attendance in the Faculty of Dentistry, which for each candidate shall be credited by the Board toward the license fee.

13. That the fee for candidates other than Faculty Students for license to practise shall be payable to the Board.

14. That in consideration of the R.C.D.S. transferring to the University in trust for dental education the entire land, building and equipment of the School of Dentistry free from encumbrance and valued at \$475,000, the University agrees to assume the amount of the bank overdraft on 30th June, 1925, not exceeding \$76,000, and further agrees to provide, free of charge, suitable quarters for the meetings of the Board and for its executive purposes.

15. That in consideration of the transfer of assets of \$475,000 of the R.C.D.S. to the University, the University agrees to the retention by the Board of an equity of \$50,000 so that it may adequately perform the functions required of it by The Act respecting Dentistry. This amount may be paid in cash to the Board by the University, at any time, without notice, but until such principal sum of \$50,000 is paid the University shall pay to the Board, annually, the sum of \$2,500 as interest.

16. That in consideration of the University maintaining adequate and satisfactory library facilities in the dental building for housing the "Harry R. Abbott Memorial Library," the Board agrees to allow the privileges of the library to all undergraduates in Dentistry under such regulations as the Board may from time to time adopt; the ownership of such Library to remain vested in the R.C.D.S.

17. That the Government of the Province agrees to make such changes in The Act respecting Dentistry as will give effect to the agreement which may be brought about as the result of conferences between the Government, the University of Toronto and the Royal College of Dental Surgeons of Ontario.

## CHAPTER 69.

An Act to provide for the Payment of an Annuity  
to the University of Toronto.

*Assented to 8th April, 1926.*

**W**HEREAS it is desirable that the Province of Ontario should give financial assistance to the University of Toronto to purchase property required for the erection of new departmental buildings;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The University Aid Act, 1926*. Short title.

2. The Treasurer of Ontario is authorized to pay to the Governors of the University of Toronto out of the Consolidated Revenue Fund in each year, commencing with the present fiscal year, 1925-1926, for a period of twenty years the sum of thirteen thousand four hundred and eighty dollars and seventy-five cents (\$13,480.75) to be applied to the purposes mentioned in the preamble to this Act. Annual grant for buildings for twenty years.

3. This Act shall come into force on the day upon which it receives the Royal Assent. Commencement of Act.



## CHAPTER 70.

## An Act to amend The Royal Ontario Museum Act.

*Assented to 8th April, 1926.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**Short title.**      **1.** This Act may be cited as *The Royal Ontario Museum Act, 1926*.

**Rev. Stat.**      **2.** *The Royal Ontario Museum Act* is amended by adding  
**c. 285,** thereto the following section:  
**amended.**

**Appoint-**      **10a.** The Lieutenant-Governor in Council may from  
**ment of** time to time appoint honorary members of the  
**honorary** Board to act in an advisory capacity and to perform  
**members.** such duties and exercise such powers as may be  
defined by Order in Council.

**Commence-**      **3.** This Act shall come into force on the day upon which  
**ment o** it receives the Royal Assent.  
**Act.**

## CHAPTER 71.

## An Act respecting Psychiatric Hospitals.

*Assented to 8th April, 1926.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**1.** This Act may be cited as *The Psychiatric Hospitals Act*, Short title. 1926.

**2.** In this Act,—

Interpre-  
tation.

- (a) "Applicant" shall mean the person who signs the "Applicant." application for the admission of a patient into a psychiatric hospital, or who voluntarily makes application for such admission;
- (b) "Inspector" shall mean the Inspector of Prisons and "Inspector." Public Charities designated by the Lieutenant-Governor to inspect the Ontario Hospitals under *The Prisons and Public Charities Inspection Act*;
- (c) "Minister" shall mean the member of the executive "Minister." council charged for the time being with the administration of the Ontario hospitals;
- (d) "Patient" shall mean any person receiving care or "Patient." treatment in or by a psychiatric hospital under the authority of this Act;
- (e) "Prescribed" shall mean prescribed by this Act or by "Pre-scribed." regulations made under the authority of this Act.

**3.** The corporation of a city having a population of over 100,000 may, with the approval of the Lieutenant-Governor in Council, establish and equip a psychiatric hospital for the observation, temporary care and treatment of residents of the municipality suffering from psychiatric disabilities who are not ineligible under this Act for admission to such hospital and who, in the opinion of a legally qualified medical practitioner, are suitable subjects for and may be benefited by such observation, care and treatment.

City by-law  
establishing.

Approval  
of plans and  
site.

4. Before a psychiatric hospital is established the plans and site selected therefor shall be approved by the Lieutenant-Governor in Council.

Designation  
by hospital  
superin-  
tendent.

5.—(1) Upon the completion of the erection and equipment of a psychiatric hospital the Lieutenant-Governor in Council shall designate it as "The ..... Psychiatric Hospital" (*inserting the name of the municipality*) and shall describe by metes and bounds the premises which shall be deemed to be included in such designation.

Minister  
to be in  
control.

(2) The psychiatric hospital shall thereafter be under the control of the Minister.

Cost of  
mainten-  
ance.

6. The cost of maintenance of a psychiatric hospital in excess of the amount provided by or on behalf of patients admitted for treatment therein and by the city shall be paid out of such moneys as may be voted by the Assembly and appropriated for that purpose.

Accounts  
to be kept.

7. A separate account shall be kept in the office of the inspector for every psychiatric hospital and there shall be credited to such account,—

- (a) the income received from or on behalf of the patients admitted or treated therein;
- (b) the income received from the municipality for the maintenance of patients who are treated in the hospital;
- (c) the Legislative grant;
- (d) moneys received from any other source.

Application  
of receipts.

8. Moneys received from any other source than the Legislative grant shall be paid monthly by the bursar of such hospital and by the inspector to the Treasurer of Ontario and any balance remaining in possession of the bursar or the inspector at the close of the fiscal year shall be forthwith paid to the Treasurer of Ontario.

Appoint-  
ment of  
officers.

9. The Lieutenant-Governor in Council may from time to time appoint a superintendent and bursar and such officers and employees as he may deem necessary for the psychiatric hospital and may fix their salaries and prescribe their powers and duties.

Admission to  
hospital.

10.—(1) A person who is, or is believed to be in need of such treatment as is provided in a psychiatric hospital may be admitted thereto for such treatment,—

(a)



- (a) as a voluntary patient upon application in the prescribed form;
- (b) upon the warrant of the Lieutenant-Governor;
- (c) upon the certificate of a legally qualified medical practitioner in the prescribed form and accompanied by the prescribed application and history form and upon provision being made for payment of the maintenance of the patient at such rate as may be fixed by the inspector subject to the provisions of this Act and the regulations;
- (d) upon the certificate mentioned in clause *c* and the written order of the inspector directing the transfer of a patient from a general hospital to the psychiatric hospital where the period during which such patient is an inmate of the general hospital does not form part of a term for which he was sentenced to serve in a gaol or other penal institution;
- (e) upon the order of a judge or magistrate remanding a person to a psychiatric hospital for further observation, care or treatment where such person has been apprehended either with or without warrant by a constable or police officer and is under the age of seventy years and not ineligible for treatment in a psychiatric hospital under the provisions of this Act and it appears to the judge or magistrate that such person may be insane.

(2) Where a person admitted to a psychiatric hospital under clause *e* of subsection 1 appears to the superintendent to be insane he shall direct the medical examination of such person and proceed in the same manner generally as is provided in sections 7 and 8 of *The Hospitals for the Insane Act* and if such person is certified to be insane as provided by that Act the documents mentioned in the said sections shall be transmitted to the inspector who shall arrange for the transfer of such person to an Ontario hospital. Patient found to be insane.

(3) A person admitted to a psychiatric hospital under the provisions of clause *e* of the preceding subsection who does not appear to the superintendent to be insane shall be discharged forthwith into the care of the court by which he was remanded to the psychiatric hospital. Discharge where patient not insane.

(4) The costs properly incurred under clause *e* of subsection 1 and under subsections 2 and 3 shall be payable by the city in which the patient was a resident at the time of his arrest. Expenses to be paid by city.

Classi-  
fication of  
patients.

**11.**—(1) Patients receiving care and treatment in a psychiatric hospital may be divided into the following classes,—

- (a) Outpatients or persons treated outside the limits of a psychiatric hospital or calling within the limits of the hospital for treatment from time to time but not residing therein;
- (b) Inpatients or patients treated and temporarily residing within the limits of the hospital;
- (c) Paying patients or persons whose maintenance is paid in some manner other than by the municipal corporation at the rate of more than \$1.50 per diem;
- (d) Indigent patients or persons whose maintenance is paid at less than \$1.50 per diem.

(2) The municipal corporation shall not be liable for any charges for the maintenance, treatment or care of a patient beyond the period of ten days from the day of the admission of such patient to the psychiatric hospital.

Liability of  
municipal  
corporation.

**12.** If a patient is unable to pay at the rate of \$1.50 per diem for his maintenance and there is no other person liable for his support who can make such payment the municipal corporation shall be liable to the hospital at the said rate.

Who may  
not be  
admitted.

**13.**—(1) No person shall be admitted to a psychiatric hospital who is,—

- (a) certified to be insane within the meaning of sections 7 and 8 of *The Hospitals for the Insane Act* or within the meaning of sections 1 and 2 of *The Private Sanitarium Act*;
- (b) an alcoholic habituate;
- (c) a drug habituate;
- (d) a person suffering from mental infirmities due to old age or from incurable disease for which general hospital or other institutional care is required;
- (e) a person suffering from tuberculosis or other communicable disease;
- (f) an idiot, imbecile or feeble-minded person;
- (g) an epileptic;

(h)

(h) a person who has been admitted to and discharged on probation from an Ontario hospital and whose term of probation has not expired;

(i) a person committed to a gaol or other penal institution and who has been given a ticket-of-leave, paroled or granted a permit to work outside the limits of such gaol or penal institution and whose term of imprisonment has not expired.

(2) Where it is found through the result of observation or treatment that a patient admitted to a psychiatric hospital comes within any of the classes mentioned in subsection 1, the inspector, upon the report of the superintendent, may by his warrant direct the removal of such patient to a general hospital or to an Ontario Hospital or into the charge of his friends.

Removal of patient to hospital or into charge of friends.

**14.**—(1) A patient admitted to a psychiatric hospital by voluntary application or upon the certificate of a legally qualified medical practitioner may be discharged by the superintendent when in his opinion the patient is in a fit mental condition to be discharged.

Discharge of voluntary patients.

(2) Where in the opinion of the superintendent a patient is insane or cannot be further benefited by observation and treatment in the psychiatric hospital, and such patient was admitted as a voluntary patient or upon the certificate of a legally qualified medical practitioner as provided in clauses (a) and (c) of subsection 1 of section 10 the superintendent may cause the patient to be examined by two legally qualified medical practitioners and if such medical practitioners certify in the form numbered 1 in *The Hospitals for the Insane Act* that the patient is insane the inspector shall issue his warrant for the removal of the patient to an Ontario Hospital.

Transfer of patient found to be insane to Ontario Hospital.

(3) A patient admitted on an order of the inspector may be discharged by the inspector or by him transferred back to the general hospital from which he was admitted.

Patient admitted on order.

(4) Where a patient has been admitted to a psychiatric hospital by voluntary application or upon the certificate of a legally qualified medical practitioner or on the order of the inspector, in lieu of being discharged may be committed by the inspector to the custody of relatives or others capable of and legally responsible for the care and supervision of the patient.

Commitment to custody of friends.

(5) A patient admitted on the warrant of the Lieutenant-Governor shall not be discharged from a psychiatric hospital without the written consent of the Attorney-General.

Patient admitted on warrant



Delivery of  
patient to  
custody of  
his friends.

(6) If the superintendent considers it conducive to the recovery of any person detained in a psychiatric hospital that he should be committed for a time to the custody of his friends, the superintendent may allow him to return on trial to them upon receiving a written undertaking in the prescribed form by one or more of the friends of such person that he or they will keep an oversight over him.

Recommittal  
to hospital  
from custody  
of friends.

(7) If within six months from such temporary discharge the patient again becomes dangerous to be at large, the superintendent by whom he was discharged, by his warrant in the prescribed form directed to any constable or peace officer or other person, or to all constables or peace officers, may authorize and direct that such patient be apprehended and brought back to the psychiatric hospital from which he was temporarily discharged, and such warrant shall be an authority to any one acting under it to apprehend the person named therein and to bring him back to the psychiatric hospital.

Collecting  
mainten-  
ance.

15. All moneys due to a psychiatric hospital for the maintenance of any patient for the necessary expenses incurred in his behalf shall be a debt due to the Crown and may be sued for and collected by the bursar of the psychiatric hospital or by the inspector from the said patient or his estate or from any other person or municipal corporation liable therefor.

Public  
trustee as  
official com-  
mittee.

16. Upon the admission of any person as a resident patient in a psychiatric hospital the public trustee shall be the official committee of the estate of such person in the same manner and to the same extent as in the case of a patient admitted to an Ontario hospital unless and until a committee of the estate of such patient has been appointed by the court.

Appre-  
hension of  
escaped  
patient.

17. If a patient in a psychiatric hospital, not being a voluntary patient, escapes from any officer or servant of the hospital such officer or servant or any other person may without warrant within forty-eight hours after such escape, or under a warrant in the prescribed form within three weeks after such escape, retake such escaped patient and return him to the hospital and he shall be detained therein under the authority by virtue of which he was detained prior to his escape.

Costs of  
conveying  
patients to  
and from  
hospital.

18. The costs and expenses incurred in conveying persons to and from a psychiatric hospital shall be borne by the patient or his estate except in the case of persons admitted to a psychiatric hospital under clauses *b*, *d* and *e* of section 10 in which cases such costs and expenses shall be borne by the

municipal

municipal corporation subject to such recourse as the corporation may have against the patient or any other person.

**19.** The Minister, with the approval of the Lieutenant-Governor in Council may make regulations,—

- (a) prescribing the forms to be used in carrying out the provisions of this Act;
- (b) for the appointment of officers, servants and employees of a psychiatric hospital and defining their duties, hours of service and regulating the conduct of such officers and employees;
- (c) respecting the accommodation, care and treatment of patients admitted to a psychiatric hospital and for regulating the discipline and custody of persons who are admitted as inmates of a psychiatric hospital or who are treated therein and prescribing, subject to the provisions of this Act, the rates to be paid for the accommodation of patients;
- (d) prescribing the books and accounts to be kept in a psychiatric hospital and the manner in which the supplies necessary for the use and maintenance of the hospital and the officers, inmates and patients thereof shall be provided and accounted for;
- (e) prescribing the penalties for the breach of any regulation;
- (f) generally for the better carrying out of the provisions of this Act.

**20.** *The Reception Hospitals Act*, being chapter 54 of the Statutes of 1914, and section 4 of *The Public Institutions Amendment Act, 1919*, are repealed. 1914, c. 54;  
1914, c. 83,  
s. 4,  
repealed.

**21.** This Act shall come into force on the day upon which it receives the Royal Assent. Commence-  
ment of  
Act.

## CHAPTER 72.

## An Act to amend The Sanatoria for Consumptives Act.

*Assented to 8th April, 1926.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

**1.** This Act may be cited as *The Sanatoria for Consumptives Act, 1926.*

Rev. Stat.  
c. 298,  
amended.

**2.** *The Sanatoria for Consumptives Act* is amended by adding thereto the following section:

Sanatorium  
not to refuse  
patients.

**25.** A sanatorium receiving aid from the Province shall not refuse to admit and care for a patient having tubercular disease.

Commence-  
ment of  
Act.

**3.** This Act shall come into force on the day upon which it receives the Royal Assent.



## CHAPTER 73.

## An Act to amend The Hospitals and Charitable Institutions Act.

*Assented to 8th April, 1926.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Hospitals and Charitable Institutions Act, 1926*. Short title.

2. Section 23 of *The Hospitals and Charitable Institutions Act* as amended by section 46 of *The Statute Law Amendment Act, 1916*, and by section 8 of *The Public Institutions Amendment Act, 1919*, is repealed and the following substituted therefor,— Rev. Stat. c. 300, s. 23, repealed.

23.—(1) When an indigent person is admitted to any hospital receiving aid under this Act, the corporation of the county, city or separated town in which he is resident at the time of his admission, shall be liable to pay to the trustees or governing body of the hospital, the charges for his treatment, not exceeding \$1.50 per day, and subject to subsection 2, in the case of his death his burial expenses, not exceeding \$15.00. Liability for treatment and burial expenses.

(2) When any indigent person referred to in subsection 1 hereof was a member of His Majesty's Military or Naval Forces on active service during the Great War of 1914-1918 and the burial of such person is supervised and paid for by the Last Post Fund, the corporation of the municipality which would otherwise have been responsible under this Act for the cost of such burial shall, upon proof of burial and on demand being made by a properly accredited officer of the Last Post Fund, pay to that fund the amount of \$15 towards the cost of such burial. Contribution to Last Post Fund.

(3) "Residence" for the purpose of this section shall mean actual residence within the county, city or separated town for the period of three months within the five months next prior to the admission to the hospital. Residence.

When residence not to be deemed changed.

(4) Residence shall not be deemed to have been changed or to have ceased by reason of the person having gone from one municipality to another for the purpose of seeking medical advice or treatment or seeking admission to any hospital, and this period shall not count in the computation of time under subsection 3.

Agreement with hospital to pay fixed annual sum.

(5) The corporation of a county, city or separated town may agree with the trustees or governing body of the hospital to pay a fixed annual sum in lieu of its liability under this section.

Notice by superintendent to clerk.

(6) Where there is no such agreement the superintendent or other proper officer of the hospital upon the admission of any indigent person shall by registered letter notify the clerk of the county, city or separated town of which the patient represents himself as being so resident giving such particulars as may be available to enable the clerk to identify the patient.

Case of residence admitted.

(7) Unless the clerk within thirty days after the mailing of such notice notifies the superintendent or other officer of the hospital by registered letter that the patient is not a resident of the municipality he shall for the purposes of this Act be deemed to be a resident of such municipality.

Statement of amount due.

(8) The superintendent of the hospital shall from time to time furnish to the clerk of the municipality, a statement of the amount due, for the maintenance of any indigent person or for burial expenses, and if the amount claimed is not paid within a reasonable time an action may be brought in any court of competent jurisdiction.

Liability of patient, etc., to corporation.

(9) Upon payment by the corporation of the municipality the patient or his executors or administrators shall be liable to it for the amount paid.

Right of county to recover from local municipality.

(10) Where the corporation of a county has not made an agreement as provided by subsection 5, it shall have the right to recover from the corporation of the township, town or village in which the indigent person resided for three months as provided by subsection 3, one-half of the amount paid by it.

Order for admission, when required.

(11) No indigent person residing in a township bordering on the cities of Toronto or Hamilton shall be admitted to a hospital in such city without an order in writing signed by the reeve or deputy reeve or councillor or the medical health officer of such township.

(12) Every employer of labour having more than ten persons in his employ and having a contract for the medical and surgical care of his employees shall be liable for the maintenance of such employee in any public hospital, but not at a higher rate than the actual cost per day for maintenance at such hospital.

Liability of  
employer  
for main-  
tenance in  
hospital.

3. This Act shall come into force on the day upon which it receives the Royal Assent.

Commence-  
ment of  
Act.



## CHAPTER 74.

An Act respecting the Board of Trustees of the  
Police Village of Alfred.

*Assented to 8th April, 1926.*

## Preamble.

**W**HEREAS the board of trustees of the police village of Alfred, in the county of Prescott has by its petition represented that By-law Number Six of the said board of trustees, the particulars of which are shown in schedule "A" hereto was duly passed by the said board of trustees after it had been approved by the electors of the said village of Alfred entitled to vote on money by-laws at a vote taken on the sixth day of September, 1924; and whereas the said board of trustees of the police village of Alfred were incorporated by by-law of the municipal council of the united counties of Prescott and Russell; and whereas certain doubts have arisen as to the validity of the said by-law; and that it is desirable that the said by-law and the debentures issued or to be issued thereunder should be validated and confirmed; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

## Short title

**1.** This Act may be cited as *The Police Village of Alfred Act, 1926*.

By-law  
No. 6  
confirmed.

**2.** The by-law of the board of trustees of the police village of Alfred, the particulars of which are shown in schedule "A" to this Act, and all debentures issued or to be issued thereunder are hereby confirmed and declared to be legal, valid and binding.

Township of  
Alfred to  
levy rate.

**3.** In every year during the currency of the said debentures the municipal council of the township of Alfred shall levy on all the ratable property within the limits of the said police village of Alfred the amount necessary to pay the instalment of principal and interest maturing in that year and shall remit the same to the secretary-treasurer of the said board of trustees.

Commence-  
ment of  
Act.

**4.** This Act shall come into force on the day upon which it receives the Royal Assent.

SCHEDULE

## SCHEDULE "A."

## BY-LAW No. 6.

By-law of the Board of Trustees of the Police Village of Alfred, in the County of Prescott and Province of Ontario, for borrowing the sum of twelve thousand dollars.

Whereas it is deemed expedient by the Board of Trustees of the Village of Alfred to borrow the sum of twelve thousand dollars by the issue of debentures and to pay the same to The Ottawa-Montreal Power Company, Limited, in aid to defray the cost of the construction and maintenance by the said Company of a transmission line from a point in or near the Town of Hawkesbury to the said Village of Alfred and a distribution system in the said Village of Alfred for the supply, transmission and distribution by the said Company of electrical power and energy for the purpose of the said Village and to the residents thereof under the terms and conditions of a proposed contract to be entered into by the said Board of Trustees with the said Company and to repeal By-law Number Three of the said Board of Trustees authorizing the borrowing of the sum of twelve thousand dollars to pay the cost of building a transmission line from the Village of L'Original to the said Village of Alfred and to improve the line or plant already existing in the said Village of Alfred,

And whereas the amount of the whole rateable property of the said Village of Alfred according to the last revised assessment roll of the Township of Alfred is \$140,540.00.

And whereas the amount of the debenture debt of the said Village of Alfred is \$5,950.00, no part of the principal or interest of which is in arrear.

Be it therefore enacted and ordained by the Board of Trustees of the Police Village of Alfred;

1. For the purpose mentioned in the above preamble, there shall be borrowed on the credit of the said Police Village of Alfred the sum of twelve thousand dollars and debentures shall be issued therefor on the instalment plan in sums of not less than one hundred dollars each, which shall have coupons for the payment of the interest which shall be computed at the rate of six per cent. per annum and shall be payable at the same time as the instalments of principal.

2. The debentures shall all bear the same date and shall be issued within two years after the date on which this by-law is passed and may bear any date within such two years and shall be payable in twenty equal annual instalments during the twenty years next after the date when they shall be issued and the respective amounts payable in each of such years shall be as follows:

Year	Principal	Interest	Total
1.....	\$326 21	\$720 00	\$1,046 21
2.....	345 79	700 42	1,046 21
3.....	366 53	679 68	1,046 21
4.....	388 53	657 68	1,046 21
5.....	411 84	634 37	1,046 21
6.....	436 55	609 66	1,046 21
7.....	462 74	583 47	1,046 21
8.....	490 51	555 70	1,046 21
9.....	519 94	526 27	1,046 21
10.....	551 14	495 07	1,046 21
11.....	584 21	462 00	1,046 21
12.....	619 25	426 96	1,046 21
13.....	656 41	389 80	1,046 21
14.....	695 80	350 41	1,046 21
15.....	737 54	308 67	1,046 21
16.....	781 79	264 42	1,046 21
17.....	828 70	217 51	1,046 21
18.....	878 42	167 79	1,046 21
19.....	931 13	115 08	1,046 21
20.....	986 97	59 24	1,046 21
	<hr/> \$12,000 00	<hr/> \$8,924 20	<hr/> \$20,924 20

3. The debentures shall be signed and issued by the Chairman and the Secretary-Treasurer of the said Board of Trustees and be sealed with the seal of the said Board and the interest coupons shall be signed by the said Secretary-Treasurer.

4. During the currency of the debentures there shall be raised in each year on all the rateable property of the said Village of Alfred the sum of \$1,046.21 for the payment of the principal and interest maturing in that year as set forth in section 2 hereof.

5. The debentures may contain any provision for the registration of the authorized by-law.

6. This by-law shall take effect on the day of the passing thereof subject to its being assented to by the electors. Be it further enacted that By-law Number Three of the said Board of Trustees passed on the thirteenth day of June, 1924, providing for the borrowing of the sum of twelve thousand dollars be and is hereby repealed.

Passed at a meeting of the said Board held this 2nd day of October, 1924.

(Sgd.) JOS. MIRON, *Secretary.*

(Sgd.) LOUIS TOURANGEAU, *Chairman.*



## CHAPTER 75.

## An Act respecting the Town of Arnprior.

*Assented to 8th April, 1926.*

**W**HEREAS the corporation of the Town of Arnprior has Preamble.  
 by its petition represented that the said corporation has incurred a floating debt of \$16,750, the largest part of which is for works of a permanent character which if paid out of current revenue would be unduly burdensome and oppressive on the ratepayers of the said corporation; and whereas the said corporation has by its petition further represented that it has incurred an indebtedness of \$44,500 represented by certain bonds of The Arnprior Cabinet Company, Limited, bankrupt, guaranteed by the said corporation, and to pay such bonds as they mature yearly and the interest thereon and the carrying charges on the factory buildings, now the property of the corporation, and to pay the other necessary expenditure of the corporation it will be necessary to levy a greater sum than two and one-half cents in the dollar (exclusive of school and local improvement rates) in any one year on the whole rateable property in the said town; and whereas the said corporation has by its petition prayed that it should be enacted as hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. This Act may be cited as *The Town of Arnprior Act*, Short title. 1926.

2. The floating debt of the corporation of the Town of Arnprior is consolidated at the sum of sixteen thousand and seven hundred and fifty dollars (\$16,750) and the said corporation may borrow by a special issue of debentures a sum not exceeding sixteen thousand seven hundred and fifty dollars (\$16,750) for the purpose of paying the said floating debt. Floating debt consolidated at \$16,750.

3. The said debentures shall be in sums of not less than \$100 each and shall be made payable in not more than Term of debentures and interest.

fifteen years from the date of issue thereof and shall bear interest at a rate not exceeding five and one-half per centum per annum and may be issued either with or without coupons attached thereto for interest and shall be payable at such place or places as the corporation may deem expedient.

Equal  
annual in-  
stalments of  
principal and  
interest.

4. The said debentures shall be payable in equal annual instalments of principal and interest in such manner and of such amounts that the amount payable for principal and interest in any year shall be equal as nearly as may be to what is payable for principal and interest during each of the other years of the period within which the said debt is to be discharged.

Special rate.

5. The said corporation shall levy in each year during the period within which the said debt is payable, in addition to all other rates, a special rate sufficient to produce and pay the annual instalments of principal and interest falling due upon the said debentures.

Applica-  
tion of  
deben-  
tures.

6. The debentures to be issued under the authority of section 2 of this Act and all moneys arising from the sale thereof shall be applied in payment of the said floating debt and for no other purpose.

Assent of  
electors not  
required.

7. It shall not be necessary to obtain the assent of the electors of the Town of Arnprior to the passing of any by-law which shall be passed under the authority of section 2 of this Act, or to observe the formalities in relation thereto prescribed by *The Consolidated Municipal Act, 1922*.

1922, c. 72.

Irregularity  
in form not  
to invalidate  
debentures.

8. No irregularity in the form of the said debentures or any of them, or of any by-law authorizing the issue thereof, shall render the same invalid or illegal, or be allowed as a defence to any action brought against the said corporation for the recovery of the said debentures or interest or any part thereof; and the purchaser or holder thereof shall not be bound to enquire as to the necessity of passing such by-law or issuing debentures or as to the application of the proceeds thereof.

Treasurer to  
keep proper  
books of  
account.

9. It shall be the duty of the treasurer, for the time being, of the said town, to keep, and it shall be the duty of each of the members, from time to time, of the council to procure such treasurer to keep, and see that he does keep, a proper book of account, setting forth a full and particular statement, so that the same shall at all times show the number of debentures which from time to time shall be issued under the powers conferred by this Act, and the respective amounts, payment of which is thereby secured, and the times at which the said

debentures shall respectively become due and payable, and the several amounts which shall from time to time be realized from the sales or negotiations of the said debentures, and the application which shall from time to time be made of the said amounts and the said book of account and statement shall at all times, and at all reasonable hours, be open to the inspection of any ratepayer of the said town and of any of the holders, from time to time, of the debentures which shall be issued under the powers hereby conferred, or any of such debentures.

**10.** This Act shall come into force on the day upon which it receives the Royal Assent. Commence-  
ment of  
Act.



## CHAPTER 76.

## An Act respecting the Town of Aylmer

*Assented to 8th April, 1926.*

## Preamble.

**W**HEREAS the municipal corporation of the town of Aylmer, has by its petition represented that it has incurred a floating debt of \$15,000 which has arisen by reason of insufficient levies for a number of years past to pay for rebuilding roads, make permanent improvements to the town hall, to pay a judgment obtained against the said town of Aylmer and other unforeseen expenditures and that to pay off forthwith the said indebtedness now due and owing in addition to meeting the current annual expenses would be unduly burdensome on the ratepayers of the said town; and whereas the said corporation has prayed that the various debts be consolidated and that it be authorized to borrow money by issues of debentures of the said town to pay off the said floating indebtedness; and whereas the total debenture indebtedness of the said town amounts to the sum of \$220,095 and no part thereof is in arrears either for principal or interest; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

## Short title.

1. This Act may be cited as *The Town of Aylmer Act, 1926*.

Floating  
debt con-  
solidated at  
\$15,000.

2. The floating debt of the corporation of the town of Aylmer is consolidated at the sum of \$15,000 and the said corporation may borrow by a special issue of debentures a sum not exceeding \$15,000 for the purpose of paying the said floating debt.

Term of  
debentures.

3. The said debentures shall be payable in not more than ten years from the date of the issue thereof and shall bear interest at a rate not exceeding six per centum per annum and may be issued either with or without coupons attached

for

for interest and shall be payable at such place as the corporation may deem expedient.

4. The said debentures shall be payable in equal annual instalments of principal and interest in such manner and in such amounts that the amount payable for principal and interest in any year shall be equal as nearly as may be to the amount payable for principal and interest during each of the other years of the period within which the said debt is to be discharged.

Equal annual instalments of principal and interest.

5. The said corporation shall levy in each year during the period within which the said debt is payable in addition to all other rates a special rate sufficient to produce and pay the annual instalments of principal and interest falling due upon the said debentures.

Special rate.

6. The said debentures and all moneys arising from the sale thereof shall be applied in payment of the said floating debt and for no other purpose.

Application of proceeds of debentures.

7. It shall not be necessary to obtain the assent of the electors of the town of Aylmer to any by-law which shall be passed under the authority of this Act or to observe the formalities in relation thereto prescribed by *The Consolidated Municipal Act, 1922*.

Assent of electors not required.

1922, c. 72.

8. No irregularity in the form of the said debentures or any of them or of any by-law authorizing the issue thereof shall render the same invalid or illegal or be allowed as a defence to any action brought against the corporation for the recovery of the amount of the said debentures or interest or any part thereof and the purchaser or holder thereof shall not be required to enquire as to the necessity of passing such by-law or issuing debentures or as to the application of the proceeds thereof.

Irregularity in form not to invalidate.

9. It shall be the duty of the treasurer, for the time being, of the said town to keep and it shall be the duty of each of the members, from time to time, of the council to procure such treasurer to keep, and see that he does keep, a proper book of account, setting forth a full and particular statement, so that the same shall at all times show the number of debentures which from time to time shall be issued under the powers conferred by this Act and the respective amounts, payment of which is thereby secured, and the times at which the said debentures shall respectively become due and payable, and the several amounts which shall, from time to time, be realized from the sale or negotiations of the said debentures, and the application which shall, from time to time, be made of the said amounts; and the said book of account and statement

Treasurer to keep books of accounts shewing particulars of debentures and application of monies realized thereunder.

shall

shall at all times, and at all reasonable hours, be open to the inspection of any ratepayer of the said town, and of any of the holders, from time to time, of the debentures which shall be issued under the powers hereby conferred, or any of such debentures.



## CHAPTER 77.

## An Act respecting the City of Brantford.

*Assented to 8th April, 1926.*

**W**HEREAS the corporation of the city of Brantford has Preamble.  
 by petition represented that it is desirable that the Board of Governors of the Brantford General Hospital shall consist of eleven persons and that Graham K. Stratford be declared a life governor of the Brantford General Hospital, and that he shall have the right to appoint in writing or by his last will and testament his successor, who shall also be a life governor, and that such successor and his successors in turn in perpetuity shall have the said right and that all appointees so appointed shall, in succession, be life governors of the Brantford General Hospital and that by inadvertence, section 3 of chapter 83 of the Statutes of Ontario, 1925, being *An Act respecting the City of Brantford*, does not provide that by-laws passed in accordance therewith shall not require the assent of or to be submitted for the assent of the electors of the said city of Brantford; and whereas the said corporation has by its said petition prayed that an Act may be passed for the purposes aforesaid; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Board of Governors of the Brantford General Hospital shall hereafter consist of eleven persons, who shall be appointed in accordance with the provisions of chapter 110 of the Statutes of Ontario, 10 Edward VII, except that there shall no longer be a nominee on said board of the late Joseph E. H. Stratford. Board to be composed of eleven members.

2. Graham K. Stratford shall be a life governor of the Brantford General Hospital, and shall have the right to nominate in writing, or by his last will and testament, his successor, who shall also be a life governor, and that such successor and his successors in turn in perpetuity, shall have the right to nominate in writing or by their respective last Appointment of life governor and his successor.

wills and testaments, a successor, who shall be also a life governor, provided always that if the said Graham K. Stratford or any successor appointed a life governor in accordance herewith shall fail to make appointment of a successor, the right hereby created shall terminate and be at an end and the number of the board of governors of the said hospital shall thereafter consist of ten persons, subject always to being increased in accordance with the provisions of clause 1 of section 2 of chapter 110 of the Statutes of Ontario, 10 Edward VII.

Assent of electors not required as to by-laws. 1925, c. 83.

**3.** All by-laws heretofore or hereafter passed in accordance with the provisions of section 3 of *The City of Brantford Act, 1925*, shall not require the assent of or be submitted for the assent of the electors of the city of Brantford.

Commencement of Act.

**4.** This Act shall come into force on the day upon which it receives the Royal Assent.

## CHAPTER 78.

## An Act respecting the Essex Border Utilities Commission.

*Assented to 8th April, 1926.*

**W**HEREAS the Essex Border Utilities Commission has Preamble.  
 by its petition represented that it was established by an Act passed in the sixth year of the reign of His Majesty, King George the Fifth, chaptered 98, with certain powers exercisable on behalf of the Essex border municipalities, and that owing to the growth of the population of the said municipalities it is now necessary to authorize proceedings preliminary to the taking of a vote upon the construction of the Grand Marais sewer; and that it is desirable to authorize the commission to pass a by-law to lower the rate of interest on the debentures to be issued under by-law number 38 for the construction of the western distribution main; and that *The Consolidated Essex Border Utilities Act* may be amended accordingly; and it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Essex Border Utilities Act*, Short title.  
 1926.

2. Section 22 of *The Consolidated Essex Border Utilities Act*, is amended by adding thereto subsection 11,— 1921, c. 99,  
s. 22,  
amended.

- (11) The commission may with the approval of the Provincial Board of Health, construct one or more intercepting sewers and pumping and disposal plants to provide for the transmission and disposal of the sewage from the drainage area known as the Grand Marais Basin, and may authorize the engineer of the commission to bring in a report under section 13 of this Act, but the said report shall provide in the case of the townships of Sandwich East and Sandwich Construction of Grand Marais sewer authorized.



West, that the share of the cost shall be chargeable only upon the areas set out in schedules "A" and "C" hereto and the approval of the council of the municipality within which any plant for the disposal of such sewage is located shall be obtained.

1921, c. 99,  
s. 15, subs. 2,  
amended.

3. Subsection (2) of section 15 of the said Act is hereby amended by adding thereto the following words,—

Electors  
in area  
benefitted  
may  
approve.

"and the approval of a majority of the proper electors in either of the said areas shall constitute the approval of the respective corporation."

1921, c. 99,  
s. 22, subs.  
10,  
amended.

4. Subsection (10) of section 22 of the said Act is hereby amended by striking out the words and figures "(5) and (6)" in the third line thereof and inserting in lieu thereof the following "(5), (6) and (11)".

1921, c. 99,  
s. 9,  
amended.

5. Subsection (1) of section 9 of the said Act is hereby amended by inserting after the word "and" in the sixth line thereof the following words "the amount payable by any person in respect thereof shall be entered by the clerk on the collector's roll and."

Commission  
may reduce  
rate of  
interest —  
under By-  
law No. 38.

6. The commission may by by-law amend by-law number 38 of the said commission as validated by chapter 85 of the Acts passed in the 15th year of the reign of His Majesty, King George the Fifth, to reduce the rate of interest to one less than six per cent. per annum, and may insert in the said by-law a new schedule of the respective amounts of principal and interest payable in each year, and make a proportionate reduction in the amount to be collected in each year from the several municipalities set out in the said by-law and make such other necessary amendments for the said purpose and the debentures issued or to be issued under the said by-law as amended are hereby declared to be legal, valid and binding upon the said commission, the city of Windsor, the towns of Walkerville, Sandwich, Ojibway and LaSalle, and the township of Sandwich West, in accordance with the provisions of *The Consolidated Essex Border Utilities Act*.

1921, c. 99,  
s. 3, subs. 3  
(1922, c. 109,  
s. 7),  
amended.

7. Subsection 3 of section 3 of *The Consolidated Essex Border Utilities Act* as amended by 1922, c. 109, s. 7 is further amended by adding thereto the following clauses *d* and *e*,—

Provision for  
bringing in  
parts of  
Townships  
of Sandwich  
East and  
West.

(d) Where a majority of those voting of the electors entitled to vote on money by-laws in any area, not included in schedule "A" or "C" and forming part of the township of Sandwich East or of the township of Sandwich West, have voted favourably upon a

question whether they desire the provisions of *The Consolidated Essex Border Utilities Act* to apply to such area, the council of the corporation of the township of Sandwich East or of the township of Sandwich West as the case may be, may pass a by-law making the provisions of the said Act applicable to such area and the provisions of the said Act shall thereafter apply to such area as if contained in schedule "A" or "C."

- (e) The council of the township of Sandwich East may, where the electors of any area thereof have voted in favour of including the area in the Essex Border municipalities appoint a Commissioner and the provisions of subsection (3) of section 3 of this Act shall thereafter apply. Appoint-  
ment of  
Commis-  
sioner by  
Sandwich  
East.

8. This Act shall come into force on the day upon which it receives the Royal Assent. Commence-  
ment of  
Act

## CHAPTER 79.

## An Act respecting the Town of Ford City.

*Assented to 8th April, 1926.*

## Preamble.

**W**HEREAS the corporation of the town of Ford City has by petition prayed for an Act to incorporate the said town as a city; and whereas certain differences in respect of equalization of assessment have arisen between the said town of Ford City and the county of Essex which have been adjusted by agreement; and whereas instead of granting the prayer of the petition it is expedient that an Act should be passed to carry into effect the said agreement;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Assessment  
for levying  
of county  
rates fixed at  
\$12,750,000.

**1.** Notwithstanding the report of the equalization court for the county of Essex, dated the 31st December, 1925, the equalized assessment of the corporation of the town of Ford City in the county of Essex for the year 1926, for the levying of county rates shall be and is hereby fixed at a sum of \$12,750,000 as compared with a total equalized assessment of the county of \$90,012,075, and the town of Ford City's payment to the county for the said year of 1926 shall be the proportion of the whole amount levied for county purposes in the year 1926 which \$12,750,000 bears to \$90,012,075.

Certain  
rights of  
County of  
Essex or  
Ford City  
not affected.

**2.** Nothing in this Act shall affect or prejudice the rights of the county of Essex or of Ford City in respect of any future appeal or the application to the Legislature for a Special Act by either of said municipalities at any subsequent session of this legislature respecting the equalization of assessment.



## CHAPTER 80.

## An Act respecting the City of Fort William.

*Assented to 8th April, 1926.*

**W**HEREAS the corporation of the city of Fort William <sup>Preamble.</sup> has by petition represented that By-laws numbered 2284 and 2286 of the said city set out in schedules "A" and "C" respectively hereto together with a Notice of Intention to pass the same were each given four weekly publications prior to the date of passing thereof in a newspaper published at Fort William; and that the said By-law No. 2284 was finally passed by the council of the said city on the 18th day of September, 1923, and the said By-law No. 2286 was finally passed by the council of the said city on the 12th day of October, 1923; and that no application has been made to quash any of the said by-laws, nor is any action pending, wherein the validity of any of the said by-laws is or may be called in question; and whereas the corporation of the city of Fort William has by petition further represented that By-law No. 433 of the said municipality of Neebing set out in schedule "B" hereto together with a Notice of Intention to pass the same was given four weekly publications prior to the date of passing thereof in a newspaper published at Fort William; that the said By-law No. 433 was finally passed by the council of the said municipality of Neebing on the 18th day of September, 1923; and that no application has been made to quash the said By-law No. 433, nor is any action pending, wherein the validity of the said By-law No. 433 is or may be called in question; and whereas the corporation of the City of Fort William has by petition further represented that By-law No. 2551 of the said city set out in schedule "D" hereto was published in a newspaper published at Fort William on the 26th day of December, 1925, on the 30th of December, 1925, and on the 2nd of January, 1926; that the said By-law No. 2551 was submitted to the electors of the said city entitled to vote thereon on Monday the 4th day of January, 1926, when out of a total of 4,203 votes entitled to be polled in respect thereof, 1,999 votes were polled in favour thereof and 305 votes against; that the said By-law No. 2551 was finally passed by the council of the said city on the 26th day of January, 1926; and that no application has been made to quash the said by-law nor is any action pending wherein

the

the validity of the said by-law is or may be called in question; and whereas the corporation of the city of Fort William has by petition further represented that the rateable property of the city of Fort William as appears by the last revised assessment roll of the said city is \$31,151,293, and the present debenture debt of the said city is \$6,294,071.34, made up as follows,—

Street Railway Debenture Debt.....	\$1,303,500 00
Waterworks Debenture Debt.....	1,424,500 00
Electric Light Debenture Debt.....	279,650 00
General Debenture Debt.....	1,608,671 34
Telephone Debenture Debt.....	371,500 00
School Debenture Debt.....	1,306,250 00

of which no part of the principal or interest is in arrear and for the payment of which a sinking fund of \$3,672,652.06 has been provided; and whereas the said city has by petition prayed for special legislation in respect of the above and other matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petitions;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-law No.  
2284  
confirmed.

1. By-law No. 2284 of the said city, intituled "A By-law to stop up and close a portion of Neebing Avenue in the City of Fort William in connection with Great Lakes Paper Company, Limited, Agreement," as set out in schedule "A" hereto, is confirmed and declared to be legal, valid and binding upon the said corporation and the ratepayers thereof.

By-law No.  
433 of  
municipality  
of Neebing,  
confirmed.

2. By-law No. 433 of the corporation of the municipality of Neebing intituled "A By-law to close up that portion of Neebing Avenue hereinafter described in connection with the Great Lakes Company Pulp and Paper Mill Agreement," as set out in schedule "B" hereto, is confirmed and declared to be legal, valid and binding upon the said corporation and the ratepayers thereof.

By-law No.  
2286  
confirmed.

3. By-law No. 2286 of the said city, intituled "A By-law to stop up and close a portion of the original road allowance lying between concession "G" and concession "K" of the township of Neebing, additional on Island No. 1, now in the city of Fort William," as set out in schedule "C" hereto, is confirmed and declared to be legal, valid and binding upon the said corporation and the ratepayers thereof.

4. All assessment rolls of the corporation of the city of Fort William heretofore finally revised, all collectors' rolls of the corporation of the city of Fort William heretofore returned by the collectors thereof, and all collectors' returns of the corporation of the city of Fort William heretofore made are hereby validated and confirmed and declared to be binding upon and conclusive against all persons, parties or corporations affected thereby, notwithstanding any irregularity, fault or omission in the said assessment rolls, collectors' rolls or collectors' returns or in any matter or thing done or omitted to be done in relation thereto (including failure to distrain) and notwithstanding anything contained in any Act or Acts to the contrary.

Confirmation of assessment and collectors' rolls.

5.—(1) All sales of land made prior to the 31st day of December, 1924, and which purported to have been made by the corporation of the city of Fort William for arrears of taxes in respect of the lands so sold, are hereby validated and confirmed, and all deeds of the lands so sold, executed, or which may or shall hereafter be executed, by the proper officers of the corporation of the city of Fort William, purporting to convey the said lands so sold to the purchaser thereof, or his assigns, are hereby validated and confirmed, and shall be deemed to have had the effect of vesting the lands so sold and conveyed or purported to have been sold and conveyed, and the same are hereby vested in the purchaser or his assigns and his and their heirs and assigns in fee simple, free from and clear of and from all right, title and interest whatsoever of the owners thereof at the time of such sale, or their assigns and of all charges and encumbrances thereon and dower therein, except taxes accrued since those for non-payment whereof the said lands were so sold.

Tax sales and deeds confirmed.

(2) This section shall extend and apply to cases where the corporation of the city of Fort William or any one in trust for it or on its behalf, became the purchaser or grantee of any of such lands.

Where municipality is purchaser.

(3) Nothing in this section contained shall affect any action, litigation or other proceeding now pending, but the same may be proceeded with and finally adjudicated upon in the same manner and to the same extent as if this Act had not been passed.

Pending litigation not affected.

6. By-law No. 2551 of the said city, intituled "A By-law to raise the sum of \$250,000 by way of debentures for the purpose of erecting and equipping a municipal electric power station and of extending the city's 2220 volt distribution system," as set forth in schedule "D" hereto, and any debentures issued or to be issued thereunder are confirmed

By-law No. 2551 confirmed.

and



and declared to be legal, valid and binding upon the said corporation and the ratepayers thereof.

**Short title.** 7. This Act may be cited as *The City of Fort William Act, 1926.*

**Commencement of Act.** 8. This Act shall come into force on the day upon which it receives the Royal Assent.

## SCHEDULE "A."

### BY-LAW No. 2284.

A by-law to stop up and close a portion of Neebing Avenue in the City of Fort William, in connection with Great Lakes Paper Company, Limited, Agreement.

Whereas Great Lakes Paper Company, Limited, is to become the owner of the land on both sides of that portion of Neebing Avenue to be stopped up and closed by the City and the Municipality of Neebing, respectively, pursuant to an Agreement between Great Lakes Paper Company, Limited, the City and Municipality of Neebing.

And whereas notice of this By-law and of the intention of the Council to pass the same on the 18th day of September, A.D. 1923, has been published for at least four successive weeks before the passing of this By-law, in *The Daily Times-Journal*, a newspaper published daily in the said City.

And whereas the Council has heard the parties (either in person or by their counsel, solicitor or agent) whose lands might be prejudicially affected thereby and who have petitioned to be so heard.

Now therefore the Council of The Corporation of the City of Fort William enacts as follows:

1. That all that part of Neebing Avenue in the said City of Fort William particularly described as follows, namely:—

All and singular that certain parcel or tract of land and premises situate, lying and being in the Township of Neebing, and the City of Fort William, in the District of Thunder Bay and Province of Ontario, and being composed of that part of the original allowance for road between Lots Ten (10) and Eleven (11) in the First Concession North of the Kaministiquia River in the said Township (said allowance for road now being known as Neebing Avenue) described as follows:

Commencing at a point in the westerly limit of the said Lot Ten (10) distant Two thousand six hundred and eighty feet (2,680 feet) measured southerly thereon from the southerly limit of Montreal Street, as now established in the said lot Ten (10); thence, westerly and parallel to the said limit of Montreal Street, Sixty-six feet (66 feet) to the easterly limit of the said Lot Eleven (11); thence, southerly, along the said easterly limit of lot and its southerly production to the water's edge of the left bank of the said River; thence, easterly, following the said water's edge downstream, Sixty-six feet (66 feet) more or less, to a point in the southerly production of the said westerly limit of Lot Ten (10); thence, northerly, to and along the said westerly limit of Lot Ten, one thousand three hundred and eleven feet (1,311 feet) more or less, to the point of commencement. is hereby stopped up and closed as a public highway.

2. That that portion of Neebing Avenue so stopped up and closed shall be conveyed to Great Lakes Paper Company, Limited, pursuant to the above in part recited Agreement.

3. That compensation will be made in accordance with the provisions of The Municipal Act to any person prejudicially affected by the stopping up and closing aforesaid.

4. That in respect of such closed and stopped up portion of Neebing Avenue the dividing line between the Municipalities of Fort William and Neebing shall remain and be the centre line of the said closed and stopped up portion.

Done and passed this 18th day of September, A.D. 1923, as witnessed by the Corporate Seal of the said City and the hands of its proper officers in that behalf.

(Sgd.) N. EDMESTON,  
*Mayor.*

[Seal]

(Sgd.) A. McNAUGHTON,  
*Clerk.*

### SCHEDULE "B."

By-Law No. 433

#### OF THE CORPORATION OF THE MUNICIPALITY OF NEEBING.

To close up the portion of Neebing Avenue hereinafter described in connection with the Great Lakes Company Pulp and Paper Mill Agreement.

Whereas the Great Lakes Paper Company Limited is acquiring and will become the owner of the lands on both sides of that portion of Neebing Avenue to be closed hereunder, as provided in the Agreement between the said Company and the Corporation of the City of Fort William and the Municipality of Neebing, covering the erection and establishment by the said Company on the lands so acquired of a pulp and paper mill, and provision is made in said Agreement for the closing, stopping up and conveyance of such portion to the said Company to unite the said two parcels being so acquired by the said Company, and such action is expedient:

And whereas said Neebing Avenue, a portion of which is being so closed and stopped up, is a highway between the two Municipalities of Fort William and Neebing, in which the said two municipalities are jointly interested, and it is expedient that the division line between the said two municipalities at the point where said highway is being so closed should be determined for the future.

Be it therefore enacted by the Corporation of the Municipality of Neebing as follows:

1. That the following portion of Neebing Avenue shall be and the same is hereby closed and stopped up, that is to say:

All and singular that certain parcel or tract of land and premises situate, lying and being in the Township of Neebing and the City of Fort William in the District of Thunder Bay and Province of Ontario, and being composed of that part of the original allowance for road between Lots Ten (10) and Eleven (11) in the First Concession North of the Kaministiquia River in the said Township (said allowance for road now being known as Neebing Avenue) described as follows:—

Commencing at a point in the Westerly Limit of the said Lot Ten (10) distant Two Thousand Six Hundred and Eighty Feet (2,680') measured southerly thereon from the southerly limit of Montreal Street, as now established in the said Lot Ten (10); thence, westerly and parallel to the said limit of Montreal Street, Sixty-six feet (66') to the easterly limit of the said Lot Eleven (11); thence, southerly, along the said easterly limit of lot and its southerly production, to the water's edge of the left bank of the said River, thence, easterly, following the said water's edge downstream, Sixty-six feet (66'), more or less, to a point in the southerly production of the said westerly limit of Lot Ten (10); thence, northerly, to and along the said westerly limit of lot, One thousand three hundred and eleven feet (1,311'), more or less, to the point of commencement.

2. That the said portion of Neebing Avenue so closed and stopped up shall be conveyed to the Great Lakes Paper Company Limited in pursuance of the said hereinbefore in part recited Agreement with the said

Company

Company respecting the establishment of the pulp and paper mill herein-before referred to.

3. That this By-law will take effect upon the final passing thereof by the Council of the Corporation of the Municipality of Neebing after the publication of the required notices and the hearing of all parties interested, and upon the passing of a similar By-law by the Council of the Corporation of the City of Fort William.

4. That the Council of the Corporation of the Municipality of Neebing is hereby empowered to make compensation in accordance with the provisions of the Municipal Act to any person prejudicially affected by such closing and stopping up.

5. That upon this By-law taking effect, the Reeve and Clerk are hereby authorized to execute and join in all deeds, conveyances and assurances necessary to convey said closed and stopped up portion of Neebing Avenue to the Great Lakes Paper Company Limited, as provided in said herein-before in part recited Agreement.

6. That in respect of such closed and stopped up portion of Neebing Avenue the dividing line between the Municipalities of Fort William and Neebing shall remain and be the centre line of said closed and stopped up portion.

Passed in open Council, and signed, sealed and numbered as By-law No. 433 of the Corporation of the Municipality of Neebing this 18th day of September, A.D. 1923.

(Sgd.) J. GOWANLOCK,  
*Reeve.*

[Seal]

(Sgd.) J. R. WELL,  
*Clerk.*

## SCHEDULE "C."

### CITY OF FORT WILLIAM.

#### BY-LAW No. 2286.

A By-law to stop up and close a portion of the original road allowance lying between Concession "G" and Concession "K," of the Township of Neebing Additional on Island No. 1, now in the City of Fort William.

Whereas Canada Steamship Lines, Limited, is to become the owner of the land on both sides of that portion of the said original road allowance to be stopped up and closed hereunder.

And whereas the road allowance so stopped up and closed is to be sold and conveyed to Canada Steamship Lines, Limited, as part of the consideration for Canada Steamship Lines, Limited, conveying certain lands to Great Lakes Paper Company, Limited,

And whereas notice of this By-law and of the intention of the Council to pass the same on the 12th day of October, A.D. 1923, has been published for at least four successive weeks before the passing of this By-law, in The Daily Times-Journal, a newspaper published daily in the said City.

And whereas the Council has heard the parties (either in person or by their counsel, solicitor or agent) whose lands might be prejudicially affected thereby and who have petitioned to be so heard.

Now therefore the Council of The Corporation of the City of Fort William enacts as follows:



1. That all that part of the said original road allowance lying between the Kaministiquia River and the south limit of Lot Sixteen (16) in the said Concession "K," produced thereover in a straight line, more particularly described as follows:

Commencing at the south-west angle of the said Lot 16; thence, westerly, along the westerly production of the southerly limit of the said Lot, Sixty-six feet (66') to the westerly limit of the said allowance for road; Thence, northerly, along the said westerly limit of road, to the southerly limit of the lands acquired by the Dominion Government for harbour improvement; Thence, easterly, along the last-mentioned limit, to the easterly limit of the said allowance for road; Thence, southerly along the said easterly limit of allowance for road, to the point of commencement. is hereby stopped up and closed as a public highway.

2. That that portion of the said original road allowance so stopped up and closed shall be conveyed to Canada Steamship Lines, Limited, pursuant to the above in part recited Agreement.

3. That compensation will be made in accordance with the provisions of The Municipal Act to any person prejudicially affected by the stopping up and closing aforesaid.

Done and passed this 12th day of October, A.D. 1923, as witnessed by the Corporate Seal of the said City and the hands of its proper officers in that behalf.

(Sgd.) NEWTON EDMESTON,  
*Mayor.*

(Sgd.) A. McNAUGHTON,  
*Clerk.*

[Seal]

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## SCHEDULE "D."

### CITY OF FORT WILLIAM

#### By-Law No. 2551.

A By-law to raise the sum of \$250,000 by way of debentures for the purpose of erecting and equipping a municipal electric power station and of extending the City's 2,200-volt distribution system.

Whereas the City has entered into a Contract with The Hydro-Electric Power Commission of Ontario to take power and in order to receive and distribute such power it is necessary for the City to erect and equip a Municipal Electric Power Station and also to extend the City's 2200 Volt Distribution System, at a cost of \$250,000.

And whereas The Hydro-Electric Power Commission of Ontario has assented to the amount of this issue and the purposes to which the sum is to be applied, as provided by Section 24 (a) of The Power Commission Act.

And whereas the said sum of \$250,000 is the amount of the debt intended to be created hereby.

And whereas the amount of the whole rateable property of the said City of Fort William, according to the last revised assessment roll is \$31,151,293.00.

And

And whereas the existing Debenture Debt of the said City exclusive of local improvement Debentures, amounts to \$6,294,071.34, made up as follows:

Street Railway Debenture Debt.....	\$1,303,500.00
Waterworks Debenture Debt.....	1,424,500.00
Electric Light Debenture Debt.....	279,650.00
General Debenture Debt.....	1,608,671.34
Telephone Debenture Debt.....	371,500.00
School Debenture Debt.....	1,306,250.00

of which no part of the principal or interest is in arrear and for the payment of which a Sinking Fund of \$3,672,652.06 has been provided.

And whereas in order to provide for the said debt it is expedient to issue Debentures of the said Corporation to the amount of \$250,000.00, bearing interest at five per centum per annum, payable half-yearly.

And whereas it will require the sum of \$12,500 to be raised annually for a period of thirty years (the currency of the Debentures to be issued under and by virtue of this By-law) to pay the interest on the said debt, and the sum of \$5,254.84 to be raised annually during the said period for the payment of the said debt intended to be created by this By-law, such last mentioned sum being sufficient with the estimated interest on the investment thereof, to discharge the said debt when the same becomes due and payable making in all the sum of \$17,754.84 to be raised annually as aforesaid for the payment of the said debt and interest.

And whereas it will require the sum of \$17,754.84 to be raised annually for a period of thirty years by a special rate on the whole rateable property in the said City for the payment of the said debt and interest as aforesaid.

Therefore, The Corporation of the City of Fort William enacts as follows:—

1. The Corporation of the City of Fort William may borrow the said sum of \$250,000 on the credit of the said Corporation for the purposes aforesaid and may issue Debentures of the said Corporation, to the extent of \$250,000 in either currency or Sterling money, in sums of not less than \$100 Canadian currency of £20 Sterling, each payable within thirty years from the date of issuing such Debentures and to bear interest at five per centum per annum, payable half-yearly.

2. The said Debentures shall all bear the same date and shall be issued within two years after the day on which this By-law is passed and may bear any date within such two years and shall be signed by the Mayor and Treasurer, and sealed with the seal of the Corporation.

3. During the said period of thirty years (the currency of the Debentures to be issued hereunder) there shall be raised and levied annually upon the whole rateable property in the said City in addition to all other rates, levies and assessments, the said sum of \$12,500 to pay the interest on the said Debentures and also the further sum of \$5,254.84 as a Sinking Fund for the payment of the said debt at the maturity thereof, making in all the sum of \$17,754.84 to be raised annually as aforesaid.

4. The said Debentures shall have attached thereto coupons for the payment of the interest thereon. The signature of the Treasurer upon the coupons may be printed, lithographed or engraved, and the said Debentures, as to principal and interest, shall be payable at the following places, namely: Office of the City Treasurer, Fort William, Canada; Bank of Montreal, Montreal, Canada; Toronto, Canada; London, England, and New York City, respectively.

5. Every Debenture to be issued hereunder shall contain a provision in the following words: "This Debenture or any interest therein shall not, after a certificate of ownership has been endorsed thereon by the Treasurer of this Municipal Corporation, be transferable except by entry by the Treasurer or his Deputy in the Debenture Registry Book of the said Corporation, at the said City of Fort William," or to like effect.

6. This By-law shall only come into force and effect when validated by the Legislative Assembly of the Province of Ontario and unless and until so validated shall have no force or effect.

Done and passed in Council, this 26th day of January, A.D. 1926, as witnessed by the hands of the Mayor and Clerk of the said City and its Corporate Seal.

(Sgd.) J. E. CRAWFORD,  
*Mayor.*

[Seal]

(Sgd.) A. McNAUGHTON,  
*Clerk.*



## CHAPTER 81.

## An Act respecting the City of Galt.

*Assented to 8th April, 1926.*

## Preamble.

**W**HEREAS the municipal corporation of the city of Galt has by its petition represented that by-law number 2203, entitled "A By-law to provide for borrowing \$34,662.90 upon debentures to pay for the construction of an asphaltic concrete pavement, twenty feet in width, with cement concrete curb and gutter, on Dundas Street, from the intersection of North Water Street and Dundas Street northerly to the city limits," was duly passed on the 18th day of January, 1926; that certain doubts have arisen as to the validity of said by-law; and that it is desirable that said by-law and the debentures issued or to be issued thereunder and the assessments made and the rates levied or to be levied for the payment of said debentures should be validated and confirmed; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-law  
No. 2203,  
confirmed.

**1.** By-law number 2203 of the municipal corporation of the city of Galt and all debentures issued, or to be issued, and all assessments made and all rates levied or to be levied for the payment of the said debentures are hereby confirmed and declared to be legal, valid and binding upon the corporation and the ratepayers thereof.

Commence-  
ment of  
Act.

**2.** This Act shall come into force on the day upon which it receives the Royal Assent.

## CHAPTER 82.

## An Act respecting the Town of Gananoque.

*Assented to 8th April, 1926.*

**W**HEREAS the municipal corporation of the town of Gananoque has by its petition represented that certain by-laws specified in Schedule "A" were duly passed by the council of the said corporation; that certain doubts have arisen as to the validity of the said by-laws; and that it is desirable that the said by-laws should be validated and confirmed; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**1.** This Act may be cited as *The Town of Gananoque Act*, Short title. 1926.

**2.** The by-laws of the municipal corporation of the town of Gananoque specified in Schedule "A" are hereby confirmed and declared to be legal, valid and binding upon the corporation and the ratepayers thereof.

**3.** This Act shall come into force on the day upon which it receives the Royal Assent.

## SCHEDULE "A"

1. By-law Number 743, entitled "By-law to provide for the payment by the Corporation of part of the cost of certain works constructed as local improvements otherwise chargeable upon the lands abutting directly upon the works. King Street, William Street to Victoria Avenue."

2. By-law Number 744, entitled "By-law to authorize the construction of a pavement with necessary curb, gutter and storm drain on King Street, Gananoque, from William Street to Victoria Avenue, as a local improvement under the provisions of *The Local Improvement Act*."

3. By-law Number 745, entitled "By-law to authorize the construction of a pavement with necessary curb, gutter and storm drain on Main Street, Gananoque, from International Square to River St. Lawrence, as a local improvement under the provisions of *The Local Improvement Act*."

4. By-law Number 746, entitled "By-law to provide for the payment by the Corporation of part of the cost of certain works constructed as local improvements otherwise chargeable upon the lands abutting directly upon the works."

5. By-law Number 749, entitled "By-law to authorize the construction of a pavement with necessary curb, gutter and storm drain on Stone Street South, Gananoque, from King Street to River St. Lawrence, as a local improvement under the provisions of *The Local Improvement Act*."

6. By-law Number 750, entitled "By-law to provide for the payment by the Corporation of part of the cost of certain works constructed as local improvements otherwise chargeable upon the lands abutting directly upon the works. Stone Street South, from King Street to River St. Lawrence."

7. By-law Number 751, entitled "By-law to authorize the construction of a pavement with necessary curb, gutter and storm drain on Stone Street North, Gananoque, from Stone Street School to Post Office, as a local improvement under the provisions of *The Local Improvement Act*."

8. By-law Number 752, entitled "By-law to provide for the payment by the Corporation of part of the cost of certain works constructed as local improvements otherwise chargeable upon the lands abutting directly upon the works. Stone Street North, from Stone Street School to Post Office."

9. By-law Number 755, entitled "By-law to authorize the construction of a pavement with necessary curb, gutter and storm drain on Charles Street North, Gananoque, from King Street to North Street, as a local improvement under the provisions of *The Local Improvement Act*."

10. By-law Number 756, entitled "By-law to provide for the payment by the Corporation of part of the cost of certain works constructed as local improvements otherwise chargeable upon the lands abutting directly upon the works. Charles Street North from King Street to North Street."

11. By-law Number 757, entitled "By-law to authorize the construction of a pavement with necessary curb, gutter and storm drain on Pine Street, Gananoque, from William Street to Stone Street, as a local improvement under the provisions of *The Local Improvement Act*."

12. By-law Number 758, entitled "By-law to provide for the payment by the Corporation of part of the cost of certain works constructed as local improvements otherwise chargeable upon the lands abutting directly upon the works. Pine Street, Stone Street to William Street."

13. By-law Number 759, entitled "By-law to authorize the construction of a pavement with necessary curb, gutter and storm drain on Church Street, Gananoque, from Termination to King Street as a local improvement under the provisions of *The Local Improvement Act*."

14. By-law Number 760, entitled "By-law to provide for the payment by the Corporation of part of the cost of certain works constructed as local improvements otherwise chargeable upon the lands abutting directly upon the works. Church Street—Termination to King Street."

15. By-law Number 761, entitled "By-law to authorize the construction of a pavement with necessary curb, gutter and storm drain on Market Street, Gananoque, from King Street West to Water Street, as a local improvement under the provisions of *The Local Improvement Act*."

16. By-law Number 762, entitled "By-law to provide for the payment by the Corporation of part of the cost of certain works constructed as local improvements otherwise chargeable upon the lands abutting directly upon the works. Market Street—King Street West to Water Street."

17. By-law Number 763, entitled "By-law to authorize the construction of a pavement with necessary curb, gutter and storm drain on Charles Street South, Gananoque, from King Street to South Street, as a local improvement under the provisions of *The Local Improvement Act*."



18. By-law Number 764, entitled "By-law to provide for the payment by the Corporation of part of the cost of certain works constructed as local improvements otherwise chargeable upon the lands abutting directly upon the works. Charles Street South—King Street to South Street."

19. By-law Number 765, entitled "By-law to authorize the scarifying and grading and the construction of a curb, gutter and storm drain on Victoria Avenue, Gananoque, from King Street to Second Street, as a local improvement under the provisions of *The Local Improvement Act*."

20. By-law Number 766, entitled "By-law to provide for the payment by the Corporation of part of the cost of certain works constructed as local improvements otherwise chargeable upon the lands abutting directly upon the works. Victoria Avenue—King Street to Second Street."

21. By-law Number 767, entitled "By-law to authorize the construction of a pavement with necessary curb, gutter and storm drain on John Street, Gananoque, from Stone Street to Charles Street, as a local improvement under the provisions of *The Local Improvement Act*."

22. By-law Number 768, entitled "By-law to provide for the payment by the Corporation of part of the cost of certain works constructed as local improvements otherwise chargeable upon the lands abutting directly upon the works. John Street—Stone to Charles."

23. By-law Number 769, entitled "By-law to authorize the construction of a pavement with necessary curb, gutter and storm drain on Sydenham Street, Gananoque, from Charles Street to Stone Street, as a local improvement under the provisions of *The Local Improvement Act*."

24. By-law Number 770, entitled "By-law to provide for the payment by the Corporation of part of the cost of certain works constructed as local improvements otherwise chargeable upon the lands abutting directly upon the works. Sydenham Street—Stone to Charles."

25. By-law Number 772, entitled "By-law to authorize the construction of a pavement with necessary curb, gutter and storm drain on South Street, Gananoque, from Stone Street to Charles Street, as a local improvement under the provisions of *The Local Improvement Act*."

26. By-law Number 773, entitled "By-law to provide for the payment by the Corporation of part of the cost of certain works constructed as local improvements otherwise chargeable upon the lands abutting directly upon the works, South Street—Stone to Charles."

## CHAPTER 83.

## An Act respecting the Township of Grantham.

*Assented to 8th April, 1926.*

Preamble.

**W**HEREAS the Corporation of the Township of Grantham has by petition represented that it is desirable that By-law No. 455 to authorize the issue of debentures for \$16,905.62 to pay for the cost of the Hartsel Road District Waterworks System and By-law No. 456 to authorize the issue of debentures for \$11,531.23 to pay for the cost of the Lake Shore Road District Waterworks System, both passed on the second day of April, 1925, and the debentures issued or to be issued thereunder and the special assessments imposed thereby respectively, be validated and confirmed; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

**1.** This Act may be cited as *The Township of Grantham Act, 1926*.

By-laws  
Nos. 455  
and 456,  
confirmed.

**2.** By-laws Nos. 455 and 456 of the Corporation of the Township of Grantham, set out in Schedules "A" and "B" respectively hereto, and all debentures issued or to be issued thereunder, are hereby ratified and confirmed and declared to be legal, valid and binding upon the said Corporation and the ratepayers thereof, and the special assessments imposed by the said By-laws respectively are declared to be legal, valid and binding upon the lands upon which they are imposed as set forth in the respective special assessment rolls referred to in the said By-laws.

Commence-  
ment of  
Act.

**3.** This Act shall come into force on the day upon which it receives the Royal Assent.

## SCHEDULE "A".

## TOWNSHIP OF GRANTHAM.

## BY-LAW No. 455.

A By-law to provide for borrowing \$16,905.62 upon debentures to pay for the construction as a Local Improvement of a Water Works Supply System for Hartzel Road District in the Township of Grantham.

Whereas, pursuant to Construction By-law No. 437 passed on the 14th day of July, 1924, a Water Works Supply System has been constructed for that part of the said Township known as The Hartzel Road District under the approval of the Provincial Board of Health as evidenced by its certificate dated 23rd day of July, 1924, and pursuant to Construction By-law No. 447, passed on the 11th day of November, 1924, extensions to the Hartzel Road District Water Supply System on the said Hartzel Road have been constructed from Pleasant Boulevard to a point 660 feet northerly therefrom and on Lincoln Avenue from the Hartzel Road to a point 300 feet westerly therefrom as Local Improvements under the provisions of The Local Improvement Act.

And whereas the total cost of the said work undertaken under the said Act is \$16,905.62, all of which is to be borne by the lands liable to assessment therefor, and for which a special assessment roll has been duly made and certified.

And whereas the estimated lifetime of the work is twenty-one years.

And whereas it is necessary to borrow the said sum of \$16,905.62 on the credit of the Corporation and to issue debentures therefor payable within twenty years from the time of the issue thereof, and bearing interest at the rate of five and one-half per cent. per annum, which is the amount of the debt intended to be created by this By-law.

And whereas it is expedient to make the principal of the said debt repayable in yearly sums during the period of twenty years of such amounts respectively that the aggregate amount payable for principal and interest in any year shall be equal as nearly as may be to the amount so payable for principal and interest in each of the other years.

And whereas it will be necessary to raise annually the sum of \$1,414.65 during the period of twenty years to pay the said yearly sums of principal and interest as they become due.

And whereas the amount of the whole rateable property of the said Township of Grantham, according to the last revised Assessment Roll is \$2,118,400.

And whereas the amount of the existing debenture debt of the Corporation is \$159,424.16, and no part of the principal or interest thereof is in arrear.

Therefore the Council of the Corporation of the Township of Grantham enacts as follows:

1. That for the purpose aforesaid it shall be lawful for the Council of this Corporation to borrow upon the debentures of the Corporation the sum of \$16,905.62 and debentures shall be made and issued therefor in sums of not less than \$50.00 each, which debentures shall be signed by the Reeve of the Corporation and countersigned by the Treasurer thereof, and be sealed with the Corporate Seal.

2. The debentures shall all bear the same date, and shall be issued within two years after the day on which this By-law is passed, and may bear any date within such two years, and shall be payable in twenty annual instalments during the twenty years next after the time when the same are

issued,



issued, and the respective amounts of principal and interest payable in each of such years shall be as follows:—

No.	Principal	Interest	Total
1.....	\$484 84	\$929 81	\$1,414 65
2.....	511 51	903 14	1,414 65
3.....	539 64	875 01	1,414 65
4.....	569 32	845 33	1,414 65
5.....	600 63	814 02	1,414 65
6.....	633 67	780 98	1,414 65
7.....	668 52	746 13	1,414 65
8.....	705 29	709 36	1,414 65
9.....	744 08	670 57	1,414 65
10.....	785 00	629 65	1,414 65
11.....	828 18	586 47	1,414 65
12.....	873 73	540 92	1,414 65
13.....	921 79	492 86	1,414 65
14.....	972 48	422 17	1,414 65
15.....	1,025 97	388 68	1,414 65
16.....	1,082 40	332 25	1,414 65
17.....	1,141 93	272 72	1,414 65
18.....	1,204 74	209 91	1,414 65
19.....	1,271 00	143 65	1,414 65
20.....	1,340 90	73 75	1,414 65
			<hr/>
			\$16,905 62

3. The said debentures shall bear interest at the rate of five and one-half per centum per annum, payable half-yearly in each and every year during the currency thereof, and shall have attached thereto coupons for the payment of the said interest.

4. The debentures both as to principal and interest may be expressed in Canadian currency or Sterling, and be payable (in gold if required) at any place in Canada or Great Britain.

5. During the twenty years, the currency of the debentures, the sum of \$1,414.65 shall be raised annually for the payment of the said instalments of principal and interest, and for the payment of the same (the whole being borne by the owners of the lands liable to assessment therefor) the special assessment set forth in the said Special Assessment Roll is hereby imposed upon the lands liable therefor as therein set forth; which said special assessment (including a sum sufficient to cover interest thereon) at the rate aforesaid shall be payable in twenty equal annual instalments of \$1,414.65 each, and for that purpose an equal annual special rate of \$0.0981366 per foot frontage is hereby imposed upon each lot entered in the said special assessment roll according to the assessed frontage thereof, over and above all other rates and taxes, which said special rate shall be collected annually by the Collector of Taxes for the Corporation at the same time and in the same manner as other rates.

6. If at any time after the issue of said debentures any of the owners of the said lands desire to commute the assessment imposed by this By-law for payment of such owner's proportionate share or shares of the cost thereof as a principal sum in lieu thereof, such owner may commute by the payment of such sum as when invested at four per cent. per annum will provide an annuity sufficient to pay the special rates (including interest) in respect of such lot or lots, for the unexpired portion of the term as they respectively fall due.

Passed this 2nd day of April, A.D. 1925.

(Sgd.) L. S. BESSEY,  
Clerk.

(Sgd.) FRED C. HAYNES,  
Reeve.

## SCHEDULE "B".

## TOWNSHIP OF GRANTHAM.

## BY-LAW No. 456.

A By-law to provide for borrowing \$11,531.23 upon debentures to pay for the construction as a local improvement of a Water Works Supply System on the Lake Shore Road from the westerly boundary of John Street, in the Village of Port Dalhousie, easterly for a distance of 8,050 lineal feet.

Whereas pursuant to construction By-law No. 438 passed on the 14th day of July, 1924, a Water Works Supply System has been constructed for that part of the said Township known as the Lake Shore Road, from the westerly boundary of John Street, in the Village of Port Dalhousie, easterly for a distance of 8,050 lineal feet, as a local improvement, under the provisions of The Local Improvement Act, and under the approval of the Provincial Board of Health as evidenced by its Certificate, dated the 23rd day of July, 1924.

And whereas the total cost of the work undertaken under the said Act is \$11,531.23, all of which is to be borne by the lands liable to assessment therefor, and for which a special Assessment Roll has been duly made and certified.

And whereas the estimated lifetime of the work is twenty-one years.

And whereas it is necessary to borrow the said sum of \$11,531.23 on the credit of the Corporation and to issue debentures therefor payable within twenty years from the time of the issue thereof, and bearing interest at the rate of five and one-half per cent. per annum, which is the amount of the debt intended to be created by this By-law.

And whereas it is expedient to make the principal of the said debt repayable in yearly sums during the period of twenty years of such amounts respectively that the aggregate amount payable for principal and interest in any year shall be equal as nearly as may be to the amount so payable for principal and interest in each of the other years.

And whereas it will be necessary to raise annually the sum of \$964.92 during the period of twenty years to pay the said yearly sums of principal and interest as they become due.

And whereas the amount of the whole rateable property of the said Township of Grantham, according to the last revised Assessment Roll is \$2,118,400.

And whereas the amount of the existing debenture debt of the Corporation is \$159,424.16, and no part of the principal or interest is in arrear.

Therefore the Council of the Corporation of the Township of Grantham enacts as follows:

1. That for the purpose aforesaid it shall be lawful for the Council of this Corporation to borrow upon the debentures of the Corporation the sum of \$11,531.23 and debentures shall be made and issued therefor in sums of not less than \$50.00 each, which debentures shall be signed by the Reeve of the Corporation and countersigned by the Treasurer thereof, and be sealed with the Corporate seal.

2. The debentures shall all bear the same date, and shall be issued within two years after the day on which this By-law is passed, and may bear any date within such two years, and shall be payable in twenty annual instalments during the twenty years next after the time when the

same

same are issued, and the respective amounts of principal and interest payable in each of such years shall be as follows:—

No.	Principal	Interest	Total
1.	\$330 71	\$634 21	\$964 92
2.	348 90	616 02	964 92
3.	368 09	596 83	964 92
4.	388 33	576 59	964 92
5.	409 69	555 23	964 92
6.	432 22	532 70	964 92
7.	455 99	508 93	964 92
8.	481 07	483 85	964 92
9.	507 53	457 39	964 92
10.	535 45	429 47	964 92
11.	564 90	400 02	964 92
12.	595 97	368 95	964 92
13.	628 74	336 18	964 92
14.	663 33	301 59	964 92
15.	699 81	265 11	964 92
16.	738 30	226 62	964 92
17.	778 90	186 02	964 92
18.	821 74	143 18	964 92
19.	866 94	97 98	964 92
20.	914 62	50 30	964 92

\$11,531 23

3. The said debentures shall bear interest at the rate of five and one-half per centum per annum, payable half-yearly in each and every year during the currency thereof, and shall have attached thereto coupons for the payment of the said interest.

4. The debentures, both as to principal and interest, may be expressed in Canadian currency or Sterling, and be payable (in gold if required) at any place in Canada or Great Britain.

5. During the twenty years, the currency of the debentures, the sum of \$964.92 shall be raised annually for the payment of the said instalments of principal and interest, and for the payment of the same (the whole being borne by the owners of the lands liable therefor) the special assessment set forth in the said Special Assessment Roll is hereby imposed upon the lands liable therefor as therein set forth; which said Special Assessment (including a sum sufficient to cover interest thereon) at the rate aforesaid shall be payable in twenty equal annual instalments of \$964.92 each, and for that purpose an equal annual special rate of \$0.072365111 per foot frontage is hereby imposed upon each lot entered in the said special assessment roll according to the assessed frontage thereof, over and above all other rates and taxes, which said special rate shall be collected annually by the Collector of Taxes for the Corporation at the same time and in the same manner as other rates.

6. If at any time after the issue of said debentures any of the owners of the said lands desire to commute the assessment imposed by this By-law for payment of such owner's proportionate share or shares of the cost thereof as a principal sum in lieu thereof, such owner may commute by the payment of such sum as when invested at four per cent. per annum will provide an annuity sufficient to pay the special rates (including interest) in respect of such lot or lots, for the unexpired portion of the term as they respectively fall due.

Passed this 2nd day of April, A.D. 1925.

(Sgd.) L. S. BESSEY,  
Clerk.

(Sgd.) FRED C. HAYNES,  
Reeve.



## CHAPTER 84.

## An Act respecting the City of Guelph.

*Assented to 8th April, 1926.*

**W**HEREAS the corporation of the city of Guelph has Preamble.  
presented a petition, praying that it should be enacted  
as hereinafter set forth; and whereas it is expedient to grant  
the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario,  
enacts as follows:—

**1.** This Act may be cited as *The City of Guelph Act*, Short title.  
1926.

**2.**—(1) The director of the bureau of municipal affairs Power to sell  
Housing  
Commission  
houses.  
may, from time to time, authorize the said corporation to  
sell any or all of the houses erected prior to December 31st,  
1925, by the housing commission of the city of Guelph, by  
public or private tender, or by public auction, for such prices,  
which may in any case be less than the actual cost thereof,  
and upon such conditions and terms of payment, as may be  
approved of by him.

(2) The council of the said corporation may provide by Authority  
to issue  
debentures  
to meet  
deficit.  
by-laws for borrowing, and may borrow, upon debentures of  
the corporation, payable within five years from their date of  
issue, such sum or sums of money as the said director shall  
approve and as may be necessary to produce an amount  
equal to the difference between the purchase price of such  
houses and the actual cost thereof, which amount shall be  
applied in the same manner as payments made under section 11  
of *The Municipal Housing Act, 1920*, are applied.

**3.** This Act shall come into force on the day upon which Commence-  
ment of Act.  
it receives the Royal Assent.

## CHAPTER 85.

## An Act respecting the Town of Huntsville.

*Assented to 8th April, 1926.*

## Preamble.

**W**HEREAS the corporation of the town of Huntsville has by its petition represented that by an agreement made between the said town, of the first part, and His Majesty the King as represented by The Honourable The Minister of Public Works of Canada of the second part, the party of the first part has agreed to erect and maintain a public building within the said municipality to be used for municipal and government purposes, and the party of the second part has agreed to provide the site therefor and to pay annually a proportion of the cost of erection and maintenance, such payments to extend over a period of thirty years, which said agreement is fully set forth in Schedule "A" hereto; and whereas in pursuance of the said agreement By-law No. 455 which is fully set forth in Schedule "B" hereto, was duly submitted to and received the assent of a majority of the duly qualified ratepayers who voted thereon and has been finally passed by the Council of the said municipality; and whereas the said corporation of the town of Huntsville by the said petition prays that an Act be passed confirming and validating the said by-law and the said agreement; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

## Agreement confirmed.

1. The said agreement made between the corporation of the town of Huntsville and His Majesty the King as represented by The Honourable The Minister of Public Works of Canada as set out in Schedule "A" to this Act is declared to be legal, valid and binding upon the said municipal corporation and the ratepayers thereof.

## By-law No. 455 confirmed.

2. By-law No. 455 of the municipal corporation of the town of Huntsville as set out in Schedule "B" of this Act and the debentures to be issued thereunder are declared legal, valid and binding upon the said municipal corporation and the ratepayers thereof.

Memorandum of Agreement made and entered into this sixth day of January, A.D. 1926.

BETWEEN:

THE MUNICIPALITY OF HUNTSVILLE in the District of Muskoka and Province of Ontario, a municipal corporation,

of the first part,

and

HIS MAJESTY THE KING,

represented by the Honourable the Minister of Public Works of Canada,

of the second part.

Whereas the party of the second part, by deed dated the fourteenth day of February, A.D. 1914, duly registered in the Registry Office of the District of Muskoka in Book number eight for the Town of Huntsville on the twenty-first day of February, A.D. 1914, did acquire from John R. Boyd, W. Mayhew and F. Irons, all of the Town of Huntsville in the District of Muskoka, Trustees for the Methodist Church of Canada, in Huntsville, Ontario, "All and singular that certain parcel or tract of land and premises situate, lying and being composed of part of lot lettered "A" as shown on a plan of subdivision registered as plan number one in the Registry Office at Bracebridge, being a lot in the village of Huntsville in the District of Muskoka, which may be more particularly described as follows:—Commencing at a point eighty feet from the Northwest corner of lot "A"; thence East parallel with Main Street eighty-five feet; thence South two hundred and eight feet; thence West parallel with High Street eighty-five feet; thence North two hundred and eight feet to Main Street to the point of commencement," for a site on which it is proposed to erect a public building.

And whereas the party of the first part has offered to erect a building on the above-described property (now vacant) to contain municipal and Canadian Government offices, on the terms and conditions set forth in Order-in-Council of October twenty-first, 1925, being P. C. 1837, which conditions are hereinafter set forth.

And whereas according to plans of the said building approved by the party of the second part the said building will contain an area of approximately 15,776 square feet of net floor space of which the party of the first part will occupy approximately 9,144 square feet and the party of the second part will occupy approximately 6,632 square feet, being in the approximate proportions of seven-twelfths and five-twelfths thereof respectively; and whereas the estimated total cost of the said building is \$68,250; (which is at the rate of fifty-seven and three-fifths cents per square foot of net floor area) and whereas the party of the first part proposes to pay for the cost of erection of the said building by the issue of debentures spread over a period of thirty years, and whereas the following amounts will be required annually to provide for the retirement of the debentures and maintenance of the building:—

Sinking fund.....	\$1,000 00
Interest on investment, 5% of \$68,250.....	3,412.50
Depreciation, 1% of \$68,250.....	682.50
Insurance.....	682.50
Heating (municipal estimate).....	1,800.00
Maintenance, three-fourths of one per cent.....	509.50
Caretaker.....	1,000.00
	<hr/>
	\$9,087.00

And whereas the party of the second part has accepted the offer of the party of the first part.

Now this indenture witnesseth that the party of the first part, for and in consideration of the sum of one dollar (\$1.00) of lawful money of Canada in hand well and truly paid by the party of the second part to the party of the first part, the receipt whereof is hereby acknowledged, and for other

good





cost of the building and maintenance, the said party of the second part at the end of the said period of thirty years to have vested interest in the building proportionate to the amount its contribution to the cost of the building, being approximately five-twelfths thereof.

And whereas to pay for the cost of the said building it will be necessary to issue debentures of the said Municipality for \$68,250.00 payable as herein provided, the proceeds of said debentures to be applied to the purpose aforesaid and no other.

And whereas it is desirable to issue the said debentures at one time and to make the principal of the said debentures repayable by yearly sums during the period of thirty years, being the currency of the said debentures, said yearly sums being of such respective amounts that the aggregate amount payable in each year for principal and interest in respect of the said debentures shall be as nearly as possible equal to the amount so payable in each of the other twenty-nine years of the said period.

And whereas it will be necessary to raise yearly during the currency of the said debentures the sum of \$4,439.76 to pay the said debentures and interest thereon as hereinafter set forth.

And whereas the amount of the whole rateable property of the said Municipality according to the last revised assessment roll thereof is \$1,053,511.00.

And whereas the amount of the existing debenture debt of the said Municipality is \$106,050.85 no part of which is in arrears, either for principal or interest.

The Municipal Council of the corporation of the town of Huntsville therefore enacts as follows:—

1. It shall be lawful for the corporation of the town of Huntsville for the purpose aforesaid to borrow the sum of \$68,250.00 and to issue debentures of the said corporation therefor in sums of not less than \$100.00 each. Said debentures shall be sealed with the corporate seal of the said municipality and be signed by the mayor and treasurer thereof.

2. The said debentures shall all bear the same date and shall be issued within two years after the date on which this by-law is passed, and may bear any date within said two years, and shall be payable annually with interest at the rate of five per cent per annum payable annually during the currency of the debentures. Interest coupons shall be attached to the debentures, which coupons shall be signed by the treasurer of the said municipality and said debentures and coupons may be payable at The Dominion Bank at Huntsville, and at any other place or places in Canada.

3. During the currency of the debentures there shall be levied annually by special rate on all taxable property of the ratepayers in the said municipality the sum of \$4,439.76 for the purpose of paying the amount due in each of the said years for principal and interest in respect of the debentures as provided in the following schedule.

Each Year	Interest	Principal	Total Annual Amount
1.....	\$3,412.50	\$1,027.26	\$4,439.76
2.....	3,361.14	1,078.62	4,439.76
3.....	3,307.20	1,132.56	4,439.76
4.....	3,250.58	1,189.18	4,439.76
5.....	3,191.12	1,248.64	4,439.76
6.....	3,128.69	1,311.07	4,439.76
7.....	3,063.13	1,376.63	4,439.76
8.....	2,994.30	1,445.46	4,439.76
9.....	2,922.03	1,517.73	4,439.76
10.....	2,846.14	1,593.62	4,439.76
11.....	2,766.46	1,673.30	4,439.76
12.....	2,682.80	1,756.96	4,439.76
13.....	2,594.94	1,844.82	4,439.76
14.....	2,502.71	1,937.05	4,439.76
15.....	2,405.85	2,033.91	4,439.76
16.....	2,304.16	2,135.60	4,439.76
17.....	2,197.38	2,242.38	4,439.76
18.....	2,085.26	2,354.50	4,439.76
19.....	1,967.54	2,472.22	4,439.76
20.....	1,843.92	2,595.84	4,439.76
21.....	1,714.13	2,725.63	4,439.76
22.....	1,577.85	2,861.91	4,439.76
23.....	1,434.76	3,005.00	4,439.76
24.....	1,284.51	3,155.25	4,439.76
25.....	1,126.74	3,313.02	4,439.76
26.....	961.09	3,478.67	4,439.76
27.....	787.16	3,652.60	4,439.76
28.....	604.53	3,835.23	4,439.76
29.....	412.76	4,027.00	4,439.76
30.....	211.42	4,228.34	4,439.76
		68,250.00	

This by-law read a first and second time the day of January, 1926.

This by-law shall take effect on the day of the final passing thereof.



## CHAPTER 86.

## An Act respecting the City of Kitchener

*Assented to 8th April, 1926.*

**W**HEREAS the municipal corporation of the city of <sup>Preamble.</sup> Kitchener has represented by petition that the municipal council of the said city has, pursuant to its By-law No. 709, passed on the fourteenth day of January, A.D. 1901, consisted of a mayor and fifteen aldermen elected by general vote of the electors; that by a plebiscite submitted to the electors at the municipal election held on the fifth day of December, 1925, the said electors have by a large majority voted in favour of constituting a said council of a mayor and two aldermen for each of the five wards of the city, the said aldermen to be elected by wards; and that the said municipal council has passed a by-law giving effect to such reduction in the number of aldermen and their mode of election and has by its petition prayed that an Act may be passed ratifying and confirming the said by-law without further submitting the same to the electors; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The City of Kitchener Act, 1926*. <sup>Short title.</sup>
2. By-law No. 1890 of the municipal corporation of the city of Kitchener set forth in Schedule "A" hereto is hereby <sup>By-law No. 1890 confirmed.</sup> ratified and confirmed and declared to be legal, valid and binding upon the said municipal corporation without any further assent thereto by or on behalf of the electors.
3. This Act shall come into force on the day upon which <sup>Commencement of Act.</sup> it receives the Royal Assent.

## SCHEDULE "A".

BY-LAW No. 1890.

OF THE

## CITY OF KITCHENER

A By-law to prescribe the method of the election of Aldermen and to fix the number of such aldermen to be elected.

Whereas the Municipal Council of the City Kitchener has for more than ten years been composed of a Mayor and fifteen aldermen elected by general vote;

And whereas by vote of the electors taken at the last municipal elections upon the question it is declared to be expedient and desirable that the Council be composed of a mayor and two aldermen elected for each ward of the City

Now therefore the Municipal Council of the Corporation of the City of Kitchener enacts as follows:—

1. The Council of this municipality shall be composed of a mayor and two aldermen for each ward in the City.

2. This by-law shall take effect upon the final passing thereof after it has received the assent of the municipal electors, or has been confirmed by Act of the Legislature of Ontario.

3. By-law No. 709 and all by-laws or parts of by-laws of the municipality heretofore passed and inconsistent with this by-law are hereby repealed.

Passed at the Council Chambers in the City of Kitchener this fifteenth day of February, A.D. 1926.

(Sgd.) N. Asmussen,  
*Mayor.*

(Sgd.) C. G. Lips,  
*Clerk.*

## CHAPTER 87.

## An Act respecting the Town of LaSalle.

*Assented to 8th April, 1926.*

**W**HEREAS the corporation of the town of LaSalle has by Preamble.  
its petition represented that it did on or about the 15th day of February, 1926, pass By-laws Nos. 59, 60 and 61, authorizing the payment of the cost of constructing certain watermains on the Front Road, Reaume Avenue, and Gladstone, Maple, Adams and St. Paul Streets by the issue of debentures, and it is desirable that the said by-laws and debentures to be issued thereunder shall be validated and it is deemed expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Town of LaSalle Act, 1926.* Short title.

2. By-law No. 59 of the corporation of the town of LaSalle By-law No. 59, confirmed.  
passed on the 15th day of February, 1926, entitled "A By-law to raise the sum of \$6,449.38 for the purpose of paying the cost of constructing certain watermains in the town of LaSalle," and the debentures to be issued thereunder are hereby ratified and confirmed and are declared to be legal, valid and binding upon the said corporation and the ratepayers thereof.

3. By-law No. 60 of the corporation of the town of LaSalle By-law No. 60, confirmed.  
passed on the 15th day of February, 1926, entitled "A By-law to raise the sum of \$21,521.00 for the purpose of paying the cost of constructing certain watermains in the town of LaSalle" and the debentures to be issued thereunder are hereby ratified and confirmed and are declared to be legal, valid and binding upon the said corporation and the ratepayers thereof.

4. By-law No. 61 of the corporation of the town of LaSalle By-law No. 61, confirmed.  
passed on the 15th day of February, 1926, entitled "A By-law to raise the sum of \$6,818.48 for the purpose of paying the cost of constructing certain watermains in the town of LaSalle" and the debentures to be issued thereunder are hereby rati-

fied



fied and confirmed and are declared to be legal, valid and binding upon the said corporation and the ratepayers thereof.

Commence-  
ment of  
Act.

5. This Act shall come into force on the day upon which it receives the Royal Assent.

## CHAPTER 88.

## An Act respecting the City of London.

*Assented to 8th April, 1926.*

**W**HEREAS the corporation of the city of London has <sup>Preamble.</sup> by its petition prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. This Act may be cited as *The City of London Act, 1926* <sup>Short title</sup>

2. By-law No. 8014 of the corporation of the city of <sup>By-law No. 8014 confirmed.</sup> London, to provide for the issue of \$225,000 debentures for the erection of a Nurses' Home in the said city, passed on the twenty-first day of December, A.D. 1925, after it had received the assent of a majority of the electors of the city of London, is hereby confirmed and declared to be legal, valid and binding.

3. By-law No. 8015 of the corporation of the city of <sup>By-law No. 8015 confirmed.</sup> London, to provide for the issue of \$75,000 debentures for the erection of additional buildings at the Victoria Home for Incurables and the Aged People's Home, in the said city, passed on the twenty-first day of December, A.D. 1925, after it had received the assent of a majority of the electors of the city of London, is hereby confirmed and declared to be legal, valid and binding.

4. By-law No. 8018 of the corporation of the city of <sup>By-law No. 8018 confirmed.</sup> London, to provide for the issue of \$267,000 debentures to provide moneys for the purchase of a site in the eastern portion of the city, and for the erection thereon of a collegiate institute, and for the purchase of a site in South London, for a collegiate institute, passed on the fourth day of January, A.D. 1926, is hereby confirmed and declared to be legal, valid and binding.

Sales by  
Housing  
Commission  
confirmed.

**5.**—(1) The Housing Commission of the city of London is hereby authorized, with the consent of the council of the corporation of the city of London, from time to time, to sell to any person or persons or any company or corporation, any, or all of the houses erected by the said commission, by public or private tender, or by public auction, or by private sale, at such prices, which may in any case be less than the actual cost thereof, and upon such conditions and terms of payment as may be approved of by the said council, and the sales of any houses erected by the said commission which have been sold for less than the actual cost thereof, are hereby ratified and confirmed.

Issue of  
debentures  
without  
assent of  
electors to  
meet loss

(2) The council of the corporation of the city of London may provide for borrowing money from time to time upon debentures of the said corporation, payable within five years from their date of issue (without submitting the by-law for the issue of the same to the electors for their assent) such sum and sums of money as may be necessary to produce an amount equal to the difference between the sale prices of such houses, which have been sold, or may be sold, for less than the actual cost thereof, and the actual cost thereof.

Power  
to appoint  
Manager.

(3) The said commission, with the consent of the council of the said corporation, may engage a manager to assist the said commission in the renting and sale of the properties under the control of the said commission, and may pay such manager a salary to be approved of by the council of the said corporation.

Authority  
to rent.

(4) The said commission, pending the sale of any houses which are, or shall, remain unsold, or which it may be necessary for the said commission, from time to time to resell, may rent to any person or persons or any company or corporation such houses from time to time, for such terms and at such rentals and upon such conditions as the council of the said corporation shall approve of.

Time for sub-  
mission for  
purchase of  
street rail-  
way.

**6.** Notwithstanding the provisions of subsection 3 of section 263 of *The Consolidated Municipal Act, 1922*, it shall be lawful for the Council of the corporation of the city of London to submit for the approval of the electors of the said city of London entitled to vote on money by-laws at any time during the year 1926, a by-law for the purchase of the railway of The London Street Railway Company, and all the real and personal property used or employed in connection with the working thereof, and to submit for the approval of the municipal electors of the said city at any time during the year 1926, a by-law to authorize changes in By-law No. 916, of the city of London, respecting the London Street Railway Company, passed on the twenty-first day of May, A.D. 1895, and the agreement between the corporation



of the city of London and The London Street Railway Company, bearing date the sixth day of June, A.D. 1895, or either of the said by-laws, the votes on the said by-laws, or by-law, to be taken in the manner required by, and subject to, all the other provisions in *The Consolidated Municipal Act, 1922*, with respect to voting upon by-laws requiring the assent of the electors.

7. The corporation of the city of London may apply, from time to time, the moneys which have been received and which may, from time to time, be received by the said corporation, from the ten per cent. additional charge added to the cost of constructing connections with any main or intercepting sewer of the said city of London, under the provisions of subsection 1 of section 18 of *An Act respecting the City of London*, passed in the 59th year of the reign of Her late Majesty Queen Victoria, and chaptered 82, not only for the purposes mentioned in the said subsection, but also for the extension, outlet or improvement of the sewerage works referred to in the said subsection, and of the sewerage farm referred to in section 17 of the said Act, or any or either of them.

Application of certain money for sewerage works.

8. The corporation of the city of London may by by-law, which shall not require for its validity the assent of the electors entitled to vote on money by-laws, fix the assessment of The London Hotel Company, Limited, on its real and personal property used by it in the business of hotel keeper in the said city of London, at the sum of two hundred thousand dollars (except for school purposes and local improvement rates or taxes) for a period of ten years from the first day of January, A.D. 1927, so long as the said real and personal property of the said Hotel Company are used and occupied by the said Hotel Company, its successors and assigns, in connection with its business as hotel keeper in the said city.

Assessment of Hotel Company fixed.

9. The corporation of the city of London may exchange those parts of lots numbers one and two on the south side of Dundas Street East, in the said city of London, purchased by the said corporation from The McCormick Manufacturing Company, Limited, and conveyed by the said The McCormick Manufacturing Company, Limited, to the said corporation by deed, dated the fourth day of July, A.D. 1913, and registered as No. 20722, for those parts of lots numbers nine, ten and eleven on the south side of Fullarton Street, in the said city of London, according to registered plan number 61, described as follows, that is to say: Commencing at the intersection of the westerly limit of Richmond Street with the northerly limit of Queens Avenue (formerly William Street); thence northerly along the west side of Richmond Street, one

Power to exchange certain lots for other lands.

hundred and twenty-four feet, more or less, to the southerly limit of Fullarton Street; thence westerly along the southerly limit of Fullarton Street, two hundred feet, more or less, to the brick house; thence southerly, parallel to Richmond Street, one hundred and twenty-four feet, more or less, to the northerly limit of Queens Avenue; and thence easterly along the northerly limit of Queens Avenue, two hundred feet, more or less, to the place of beginning, and the sum of twenty-five thousand dollars in cash.

Grants  
to Beck  
Memorial  
Fund.

**10.** The corporation of the city of London and the Public Utilities Commission of the city of London may make grants to the Beck Memorial Endowment Fund, in such sums, and in such manner as may be deemed expedient by the council of the said corporation and the said commission.

Authority  
to borrow  
money on  
20-year  
debentures  
for London  
Railway  
Commis-  
sion.

**11.** Notwithstanding the provisions of any Act or law, the corporation of the city of London may pass a by-law to borrow, and may borrow, for the London Railway Commission, the sum of \$350,000, and may issue debentures therefor for any period not exceeding twenty years from the date of the issue thereof, and at such rate of interest not exceeding five per cent. per annum, as the council of the said corporation may determine, to provide moneys to repay the amounts paid by the said commission on capital account out of revenue.

Assent of  
electors not  
required.

1922, c. 72.

**12.** It shall not be necessary that the by-law mentioned in the next preceding section shall be submitted to or receive the assent of the electors of the said city, but all the other provisions of *The Consolidated Municipal Act, 1922*, which are applicable, and which are not inconsistent with the provisions of this Act, shall apply to the said by-law.

Commence-  
ment of  
Act.

**13.** This Act shall come into force on the day upon which it receives the Royal Assent.

## CHAPTER 89.

## An Act respecting the City of Ottawa.

*Assented to 8th April, 1926.*

**W**HEREAS the corporation of the city of Ottawa has Preamble.  
presented a petition praying that it should be enacted  
as hereinafter set forth; and whereas it is expedient to grant  
the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario,  
enacts as follows:—

1. This Act may be cited as *The City of Ottawa Act, 1926.* Short title.

2. The council of the said corporation may provide, by Power to  
issue 30-year  
debentures  
for water  
mains and  
services.  
by-law, for an issue of debentures not exceeding \$40,000  
payable within thirty years from their date, for the purpose  
of defraying the cost of constructing and extending water  
mains and water services.

3. For the payment of the debt and interest represented  
by the debentures to be issued under the authority of section 2  
of this Act, there shall be raised annually by the corporation  
during their currency, with the authority conferred in and by  
an Act passed in the thirty-fifth year of the reign of Her  
late Majesty Queen Victoria, chaptered 80, and intituled  
*An Act for the Construction of Waterworks for the City of  
Ottawa*, from the water rates, a sum sufficient to discharge  
the said debt and interest, when and as the same shall respec-  
tively become due, such sum to be in addition to the money  
required to be raised to meet the charges of maintenance and  
the cost of renewals in connection with the said waterworks,  
and for the payment of the principal and interest of all debts  
heretofore contracted for the purposes of the said waterworks,  
but if at any time, the moneys accruing from the said water  
rates shall prove insufficient for the purposes aforesaid, then,  
when and so often as the said deficiency shall occur, there  
shall be raised, levied and collected, by the said corporation,  
by a special rate upon the assessable property of the said

corporation



corporation, according to the then last revised assessment roll thereof, a sum sufficient to make good such deficiency.

Power to  
issue 10-year  
debentures  
for certain  
purposes.

4.—(1) The council of the said corporation may provide, by by-law, for an issue or issues of debentures, payable within ten years from their date, and not exceeding the following amounts, for the purposes specified,—

Improving  
Canal Street.

(a) \$25,000 to defray the cost of widening, relocating and improving Canal Street, between Sparks and Queen Streets, and for purchasing land for such purpose;

Altering  
Howick  
Pavilion—  
erecting  
building for  
Gen. Can.  
Exhibition  
Association.

(b) \$225,000 to defray the cost of altering and enlarging Howick Pavilion at Lansdowne Park, and of constructing a new building at such park for the use of the Central Canada Exhibition Association.

Agreement  
first to be  
entered into.

(2) The said corporation shall not borrow the amount authorized by clause (a) of this section, nor any part thereof, unless and until an agreement in writing has first been entered into between such corporation and the Russell Company, Limited, whereby such company agrees to convey to the corporation, within a period of not more than ten years from the date of such agreement, by a good title in fee simple free from all encumbrances, an area of land adjacent to the south-east corner of Elgin and Sparks Streets, containing approximately 2,300 square feet and having a frontage on Sparks Street of 33 feet.

Assent of  
electors not  
required.

5.—(1) It shall not be necessary for the said corporation to obtain the assent of the electors of the said city qualified to vote on money by-laws, to the passing of any of the money by-laws authorized by sections 2 and 4 of this Act, or to observe in respect thereto the formalities prescribed by *The Consolidated Municipal Act, 1922*, in relation to the passing of money by-laws.

1922, c. 72.

Rate of  
interest and  
manner of  
payment.

(2) Debentures issued under the provisions of any of the said by-laws shall bear interest at such rate as the council of the said corporation shall, in such by-law, determine, and the principal and interest thereof may be made payable in any manner authorized by *The Consolidated Municipal Act, 1922*, and amendments.

1922, c. 72.

Irregularity  
in form not  
to invalidate.

(3) No irregularity in the form of any of the debentures issued under the authority of this Act, or in any by-law authorizing the issue thereof, shall render the same invalid, or be allowed as a defence to any action brought against the corporation of the city of Ottawa for the recovery of the amount thereof, or any part thereof, or the interest thereon.

**6.** The council of the said corporation, instead of borrowing, by separate money by-laws, the sums authorized by section 4, may consolidate such borrowings and may issue one series of debentures therefor; provided that such consolidating by-law shall show by recitals or otherwise, the separate sums which make up the total borrowing, and the purposes for which such sums are to be expended.

Corporation  
may con-  
solidate  
borrowings

**7.**—(1) *The City of Ottawa Act, 1925*, is amended by striking out all the words, in clause (b) of section 4 of such Act, after the words "Ottawa River," and by striking out the figures "\$15,000" in the said clause, and by inserting in the place thereof the figures "\$20,000."

1925, c. 98,  
s. 4, cl. b,  
amended.

(2) The said Act is further amended by striking out the figures "\$4,500" in the fifteenth line of section 13 of such Act, and by inserting in the place thereof the figures "\$7,000."

1925, c. 98,  
s. 13,  
amended.

**8.** The local improvement by-laws 5856, 5987, 6028 and 6063 of the said corporation, set out in Schedule "A" to this Act, are validated and confirmed, and declared to be legal, valid and binding upon the said corporation, and all assessments made pursuant to the provisions of such by-laws to defray the cost of the works thereby authorized are confirmed, and declared to be legal, valid and binding upon the said corporation and the ratepayers thereof, and the council of such corporation is authorized to pass, without obtaining thereto the assent of the electors qualified to vote on money by-laws, all such by-laws as may be necessary for borrowing the respective amounts necessary to meet the cost of such works.

By-laws  
Nos. 5856,  
5987, 6028  
and others  
confirmed.

**6.** The said corporation may provide by by-law, to be passed as provided by clause (b) of subsection 1 of section 8 of *The Local Improvement Act*, for widening the existing asphalt pavement on Rideau Street, between King Edward Avenue and Nelson Street, by paving the areas between the outer limits of the said pavement and the sidewalks, and may undertake and complete such work under the provisions of *The Local Improvement Act* and with the like authority as if such work were a work authorized by the said Act, and may assess and levy the cost thereof in accordance with the provisions of the said Act.

By-law for  
local im-  
provement.

Rev. Stat.  
c. 193.

**10.** The said corporation may expend out of its general revenues for the year 1926 a sum not exceeding \$20,000 in making preparations for the celebration of, and in celebrating, the 100th anniversary of the founding of the city of Ottawa.

Authority  
for expendi-  
ture of  
\$20,000 for  
anniversary

**11.** The council of the said corporation may, by by-law which shall not require for its validity the assent of the electors qualified to vote on money by-laws, grant to any person who

Power to fix  
assessment  
of hotel  
property.

may

may agree with the corporation to construct a modern fire-proof hotel in the city of Ottawa, at a cost of not less than \$600,000, a fixed assessment upon such hotel and upon the land used in connection therewith, of such amount as may be determined by such by-law, being not less in any case than one-third of the actual value thereof, for a term not exceeding fifteen years, for all purposes of municipal taxation other than school, water and local improvement rates, provided that such fixed assessment shall not apply to any part or parts of any such hotel or land which is intended for, or used as, a shop, or which is let or sublet for any business purpose not directly connected with the operation of such hotel.

Commence-  
ment of Act.

12. This Act shall come into force on the day upon which it receives the Royal Assent.

#### SCHEDULE "A".

##### BY-LAW No. 5856.

A By-law of the Corporation of the City of Ottawa to authorize the construction of a concrete pipe sewer on parts of Leonard, Sunnyside and Pansy Avenues and on Seneca Street, as specified, as a Local Improvement, under the provisions of The Local Improvement Act.

Whereas the Local Board of Health has recommended the construction of a concrete pipe sewer on parts of Leonard, Sunnyside and Pansy Avenues and on Seneca Street, as a Local Improvement, and it is therefore necessary and desirable in the public interest on sanitary grounds to construct such sewer according to such recommendation;

Therefore the Municipal Council of the Corporation of the City of Ottawa hereby determines and declares by a vote of two-thirds of all members of the Council as follows:—

1. That it is desirable that the construction of a concrete sewer on parts of Leonard, Sunnyside and Pansy Avenues and on Seneca Street, as shown and designated on the plan and Report Number 159C annexed to this By-law and forming part thereof, should be undertaken as a local improvement under the provisions of *The Local Improvement Act*.

2. The Engineer of the Corporation shall forthwith make such plans, profiles and specifications and furnish such information as may be necessary for the execution of the work.

3. The work shall be carried on and executed under the superintendence and according to the directions and orders of such Engineer.

4. The Treasurer may agree with any Bank or person for temporary advances to meet the cost of the said work, pending the completion of it.

5. The special assessment shall be paid by twenty (20) annual instalments.

6. The debentures to be issued for the loan to be effected to pay for the cost of the work when completed shall bear interest at five (5) per cent. per annum and shall be made payable within twenty (20) years on the instalment plan.



7. Any person whose lot is specially assessed may commute for a payment in cash the special rates imposed thereon, by paying the portion of the cost of construction assessed upon such lot, without interest, forthwith after the Special Assessment Roll has been certified by the Clerk, and at any time thereafter by the payment of such sum as when invested at four per cent. per annum will provide an annuity sufficient to pay the special rates for the unexpired portion of the term as they fall due.

Given under the Corporate Seal of the City of Ottawa, this 6th day of October, A.D. 1924.

(Sgd.) NAPOLEON CHAMPAGNE, *Mayor*.

(Sgd.) NORMAN H. H. LETT, *City Clerk*.

#### BY-LAW NUMBER 5987.

A by-law to provide for borrowing \$44,347.37 upon debentures to pay for construction of sewers in Right-of-Way from Ruskin Street to Diana Street, in Byng Drive from Diana Street to Carling Avenue, in Cornelia Street from Byng Drive to West side of Clarendon Avenue, in Bonita Street from Byng Drive to East limits of lots 335 and 342, in Anita Street from Byng Drive to East limit lot 370, in Carling Avenue from Byng Drive to West limit of lot 382 and in Addington Avenue from Anita Street to a point 30 feet North of Carling Avenue, as local improvement.

Whereas pursuant to construction By-law No. 5669, passed on the 19th November, 1923, the said sewers have been constructed under section 10 of *The Local Improvement Act*;

And whereas the Provincial Board of Health has approved of the construction of the said sewers and such approval has been certified under the hand of the Chairman and Secretary of the said Board;

And whereas the total cost of such work is \$44,347.37 of which the Corporation pays \$17,707.90, and the property owners \$26,639.47;

And whereas the estimated lifetime of the said work is more than twenty years;

And whereas it is necessary to borrow on the credit of the Corporation the sum of \$44,347.37 being the total cost of said work, and to issue debentures therefor payable within twenty years from the issue thereof, and bearing interest at the rate of five per centum per annum, which is the amount of the debt intended to be created by this by-law;

And whereas it is expedient to make the principal of the said debt repayable in yearly sums during the period of twenty years from the date of the issue of the said debentures of such amounts respectively that the aggregate amount payable for principal and interest in any year shall be equal, as nearly as may be, to the amount payable for principal and interest in each of the other years;

And whereas it will be necessary to raise annually the sum of \$3,558.55 during the said period of twenty years for the payment of the said yearly sums of principal and interest as they shall become due, of which amount the sum of \$2,137.62 shall be raised annually for the payment of the property owners' portion of the said debt and interest thereon, and the sum of \$1,420.93 shall be raised annually for the payment of the Corporation's portion of the said debt and the interest thereon;

And whereas the amount of the whole rateable property of the Municipality according to the last revised assessment roll is \$141,615,642.00;

And whereas the amount of the existing debenture debt of the Corporation, exclusive of local improvement debts secured by special rates or assessments, is \$18,900,447.35 and no part of the principal or interest thereof is in arrear;

Therefore

Therefore the Municipal Council of the Corporation of the City of Ottawa, enacts as follows:—

1. For the purpose aforesaid there shall be borrowed, on the credit of the Corporation at large, the sum of \$44,347.37 and debentures shall be issued therefor in sums of not less than \$50.00 Canadian currency each, and all such debentures may be made payable, both as to principal and interest, at such chartered banks or banking houses in Canada or in the United States of America, as may be designated on the said debentures, in gold coin of, or equivalent to, the standard weight and fineness fixed for gold coin at this date by the laws of the United States of America.

2. The said debentures shall bear interest at the rate of five per centum per annum, and have coupons attached thereto for the payment of the interest semi-annually, which coupons shall be signed by the City Treasurer whose signature may be written, stamped, lithographed or engraved thereon.

3. The debentures shall all bear the same date and shall be issued within two years after the date upon which this by-law is passed, and may bear any date within such two years, and shall be payable within twenty years from the date of the said debentures with interest at the rate of five per centum per annum, and the respective amounts of principal and interest payable in each year of such years shall be as follows:—

Years to Run	Amount of Interest Payable	Amount of Principal Payable	Total Payable
1.....	\$2,217 37	\$1,341 18	\$3,558 55
2.....	2,150 31	1,408 24	3,558 55
3.....	2,079 90	1,478 65	3,558 55
4.....	2,005 97	1,552 58	3,558 55
5.....	1,928 34	1,630 21	3,558 55
6.....	1,846 83	1,711 72	3,558 55
7.....	1,761 24	1,797 31	3,558 55
8.....	1,671 38	1,887 17	3,558 55
9.....	1,577 02	1,981 53	3,558 55
10.....	1,477 94	2,080 61	3,558 55
11.....	1,373 91	2,184 64	3,558 55
12.....	1,264 68	2,293 87	3,558 55
13.....	1,149 98	2,408 57	3,558 55
14.....	1,029 56	2,528 99	3,558 55
15.....	903 11	2,655 44	3,558 55
16.....	770 33	2,788 22	3,558 55
17.....	630 92	2,927 63	3,558 55
18.....	484 54	3,074 01	3,558 55
19.....	330 84	3,227 71	3,558 55
20.....	169 46	3,389 09	3,558 55
Total.....	\$26,823 63	\$44,347 37	\$71,171 00

4. Each of the said debentures shall be signed by the Mayor of the Corporation or by some other person authorized by by-law to sign the same and also by the Treasurer thereof, and shall be sealed with the seal of the Corporation.

5. During twenty years, the currency of the debentures, there shall be raised annually for the payment of the property owners' portion of the said debt and interest thereon the sum of \$2,137.62 and for the payment of the Corporation's portion of the cost and the interest thereon there shall be raised annually the sum of \$1,420.93 as shown in Schedule "A" hereto making in all \$3,558.55 to be raised annually for the payment of the said debt and interest.

6. For the payment of the property owners' portion of the cost of the said work and the interest thereon, as shown in said Schedule "A", the special assessment set forth in the assessment roll prepared for the said work is hereby imposed upon the lands liable therefor as therein set forth, which said special assessment with a sum sufficient to cover interest thereon at the rate aforesaid, shall be payable in equal annual instalments, during

the currency of the debentures, for the payment of the said sum of \$44,347.37, and for that purpose the respective annual special rates per foot frontage as shown in the said Schedule "A" are hereby imposed upon each lot entered in the said special assessment roll for the said work, according to the assessed frontage thereof, over and above all other rates and taxes, which said special rates shall be collected annually by the Collector of Taxes for the Corporation at the same time and in the same manner as other rates.

7. For the payment of the Corporation's portion of the cost of the said work and the interest thereon, as shown in Schedule "A", there shall be levied and raised annually a special rate sufficient therefor, over and above all other rates, on all the rateable property in the Municipality at the same time and in the same manner as other rates.

8. The debentures may contain any clause providing for the registration thereof, authorized by any statute relating to municipal debentures in force at the time of the issue thereof.

9. The amount of the loan authorized by this by-law may be consolidated with the amounts of any loans authorized by other local improvement by-laws, by including the same with such other loans in a consolidating by-law authorizing the borrowing of the aggregate thereof as one loan, and the issue of debentures for such loan in one consecutive issue pursuant to the statute in that behalf.

10. Pending the sale of the said debentures or in lieu of selling the same, the Council may by resolution authorize the Mayor of the Corporation and the Treasurer thereof, to raise money by way of loan on the security of such debentures or upon security of some part of them, and to hypothecate any or all of the said debentures as security for the repayment of the said loan.

11. This by-law shall take effect on the day of the final passing thereof.

Given under the Corporate Seal of the City of Ottawa, this 6th day of July, 1925.

(Sgd.) JOHN BALHARRIE, *Mayor*.

(Sgd.) NORMAN H. H. LETT, *City Clerk*.



## SCHEDULE "A" TO BY-LAW No. 5987

Report No. 107 C.

Name of Owner	Street	Side of Street	Lots assessed	Number feet assessed	Total cost foot frontage assessed against each lot	Property owners' portion of cost of work in each area	Amount to be raised annually to pay debt and interest	Annual rate per foot frontage
<i>Area No. 1—Lots abutting on work—</i>								
Ottawa Land Association.	Addington	East	393	83				
"	"	"	392	33				
"	"	"	391	33				
"	"	"	390	33				
"	"	"	389	46' 5"				
"	"	West	394	78				
"	"	"	395	33				
"	"	"	396	33				
"	"	"	397	33				
"	"	"	398	33				
"	"	"	399	33				
"	Byng Drive	East	303	40				
"	"	"	304	35				
"	"	"	305	35				
"	"	"	306	85				
"	"	"	323	55' 3"				
"	"	"	324	43				
"	"	"	325	46				

[illegible]

SCHEDULE "A" TO BY-LAW No. 5987.—Continued

Name of Owner	Street	Side of Street	Lots assessed	Number feet assessed	Total cost foot frontage assessed against each lot	Property owners' portion of cost of work in each area	Amount to be raised annually to pay debt and interest	Annual rate per foot frontage
Ottawa Land Association.	Cornelia	North	308	30				
"	"	"	307	34				
"	"	South	313	33				
"	"	"	314	33				
"	"	"	315	33				
"	"	"	316	33				
"	"	"	317	33				
"	"	"	318	33				
"	"	"	319	30				
"	"	"	320	30				
"	"	"	321	30				
"	"	"	322	30				
"	"	"	335	33				
"	Bonita	North	334	33				
"	"	"	333	33				
"	"	"	332	33				
"	"	"	331	33				
"	"	"	330	30				
"	"	"	329	30				
"	"	"	328	30				
"	"	"	327	30				





## SCHEDULE "A" TO BY-LAW No. 5987.—Continued

Name of Owner	Street	Side of Street	Lots assessed	Number feet assessed	Total cost foot frontage assessed against each lot	Property owners' portion of cost of work in each area	Amount to be raised annually to pay debt and interest	Annual rate per foot frontage
Ottawa Land Association.	Carling	North	403	33				
"	"	"	404	33				
"	"	"	405	78				
				4196'	\$5.72 $\frac{837}{1000}$	\$24,036.27	\$1,928.73	965 $\frac{45}{1000}$ cents
<i>Area No. 2—Lots not abutting on work—</i>								
Ottawa Land Association.	Harmer Ave.	East	114	45				
"	"	"	113	40				
"	"	"	112	33				
"	"	"	111	33				
"	"	"	110	33				
"	"	West	256	33				
"	"	"	257	33				
"	"	"	258	33				
"	"	"	259	50				
"	DevonshireA.	East	268	33				

"	"	"	267	33
"	"	"	266	33
"	"	"	264	50
"	"	"	263	50
"	"	"	265	33
"	"	"	262	50
"	West	"	374	33
"	"	"	375	33
"	"	"	376	33
"	"	"	377	33
"	South	"	313	50
"	North	"	338	83
"	"	"	337	33
"	"	"	336	33
"	South	"	339	83
"	"	"	340	33
"	"	"	341	33
"	North	"	373	83
"	"	"	372	33
"	"	"	371	33
"	Carling Ave.	"	W. 15' 3"	15' 3"
"	"	"	Lot 306	32' 4"
"	"	"	307	84' 6"
"	"	"	308	89' 2"
"	"	"	260	110' 5"
"	"	"	Part 34	97' 8"
"	"	"	261	83
"	"	"	378	33
"	"	"	379	33
"	"	"	380	33
"	"	"	381	33
"	"	"	382	33

Campbell, Mrs. Margt....  
Ottawa Land Association.





## BY-LAW NUMBER 6028

A By-law respecting the paving of St. Patrick Street between Dalhousie Street and the westerly approach to St. Patrick Street Bridge with an asphalt and block pavement.

Whereas the Corporation of the City of Ottawa is authorized by Section 11 of *The City of Ottawa Act, 1925*, to construct and lay down with the like authority as if such work were one that might be undertaken under *The Local Improvement Act*, an asphalt and block pavement on St. Patrick Street, from Dalhousie Street to the westerly approach to St. Patrick Street Bridge, upon the conditions and terms which by reference to the said Act will more fully appear;

And whereas a Petition for the construction of the said pavement has been presented to the Council of the said Corporation, which Petition has been certified by the City Clerk to be sufficient.

And whereas by the said Act it is further provided that the Council may by By-law passed by a majority vote of the members thereof, provide that a part of the cost of the said pavement which would otherwise be chargeable upon the lands abutting directly on the work, not exceeding one-half of the total cost thereof, shall be paid by the Corporation, and after such provision is made may proceed with such work as provided by Section 13 of *The Local Improvement Act*;

And whereas it is expedient to provide that one-half of the cost of the said pavement which would be otherwise chargeable upon the lands abutting directly on the work, which part will not exceed one-half of the total cost thereof, should be paid by the Corporation;

Therefore, the Municipal Council of the Corporation of the City of Ottawa, enacts as follows:—

1. The construction of a local improvement asphalt and block pavement on St. Patrick Street from Dalhousie Street to the westerly approach to St. Patrick Street Bridge having been asked for by a sufficiently signed petition duly certified the construction thereof is hereby authorized.

2. The said work shall be constructed in accordance with the provisions of the Local Improvement Report Number 209C.

3. A one-half part of the cost of the said pavement which would otherwise be chargeable upon the lands abutting directly on the said work, which one-half part does exceed one-half of the total cost thereof shall be paid by the Corporation.

4. The said work shall be proceeded with as provided by Section 13 of *The Local Improvement Act*.

5. The City Treasurer is hereby authorized to borrow from the Bank of Nova Scotia such sum or sums of money as may be necessary for temporary advances to meet the cost of the said work pending the completion thereof.

Given under the Corporate Seal of the City of Ottawa, this 7th day of August, A.D. 1925.

(Sgd.) JOHN BALHARRIE, *Mayor*.

(Sgd.) NORMAN H. H. LETT, *City Clerk*.

## BY-LAW NUMBER 6063

A By-law to authorize the construction of a widening asphalt pavement on Kent Street from Sparks Street to Albert Street in the City of Ottawa as a local improvement under Section 9 of *The Local Improvement Act*.

The Municipal Council of the Corporation of the City of Ottawa, by a vote of two-thirds of all the members thereof, enacts as follows:—

1. Due notice of the intention of the Council to construct the following Local Improvement Works having been published as required by the said Statute, the Council hereby determines and declares that the construction of such work is desirable and should be undertaken, and the construction thereof is hereby authorized:—

Number 208C—A widening asphalt pavement on Kent Street from Sparks Street to Albert Street.

2. The City Treasurer is hereby authorized to borrow from the Bank of Nova Scotia such sum or sums of money as may be necessary for temporary advances to meet the cost of the said work pending completion thereof.

Given under the Corporate Seal of the City of Ottawa, this 19th day of October, A.D. 1925.

(Sgd.) JOHN BALHARRIE, *Mayor*.

(Sgd.) NORMAN H. H. LETT, *City Clerk*.



## CHAPTER 90.

## An Act respecting the City of Port Arthur.

*Assented to 8th April, 1926.*

**W**HEREAS the municipal corporation of the city of Port Arthur has by its petition represented that the city has by By-law No. 1785, duly passed the 25th day of January, 1926, fixed the assessment of the lands and premises and properties of Thunder Bay Paper Company, Limited, more particularly therein described upon the terms and conditions therein set forth at the sum of five hundred thousand dollars (\$500,000) for the years 1929 to 1938, both inclusive, save in respect to taxation for school purposes and local improvements and has authorized the execution on behalf of the city of an agreement between the city and the said company in the terms of the provisional agreement set out as a schedule to said by-law; and whereas said by-law and said agreement were submitted to and received the assent of the electors of said city prior to the final passage of said by-law, 1,155 electors having voted in favour of said by-law and 220 electors against said by-law; and whereas an agreement dated 21st November, 1925, has been executed and delivered by the said city and the said company in the terms of the said provisional agreement set out as a schedule to said By-law No. 1785 and it is desirable that said by-law and said agreement entered into pursuant thereto be validated and confirmed; and whereas the corporation of the said city has by its petition further represented that it is desirable and in the interests of the corporation to validate and confirm all sales of land purporting to be made for arrears of taxes and costs made prior to the 1st day of January, 1926, and all conveyances of such lands made pursuant thereto; and whereas the said corporation has by its petition further represented that by deed dated 10th September, 1923, and supplementary confirmatory deed, dated 15th October, 1924, the said corporation and the Board of Park Management of the said corporation conveyed certain lands covered by water in the harbour of Port Arthur to His Majesty the King represented therein by the Honourable the Minister of Public Works for Canada, and doubts have arisen as to the validity and effectiveness of said conveyance, and it is desirable to validate and confirm the same and vest the title to said lands

Preamble.

in His Majesty the King represented by the Minister of Public Works for Canada without further or other conveyance; and whereas the corporation of the said city has by its petition further represented that under *The Public Parks Act* the Board of Park Management of the city is composed of the mayor and of six other persons residents of the city but not members of the council who are appointed by the council, and it is desirable to provide that in the city of Port Arthur the six persons other than the mayor forming the Board of Park Management should in future be elected at the same time and in the same manner as the members of the council of the said city; and whereas the corporation of the said city has by its petition further represented that by By-law No. 770 of the said city passed pursuant to chapter 118 of the Statutes of 1912, the said city duly authorized the issue of and deposit with National Trust Company, Limited, as trustee upon the terms and conditions in said chapter 118 set forth, consolidated debentures of the said city to the amount of one million eight hundred and eighty-five thousand dollars (\$1,885,000) or its equivalent, in sterling money of Great Britain; and whereas all of the debentures of the said city set out in schedule "E" to said chapter 118 maturing in the year 1925 and in each of the years prior thereto were paid by the said city at the maturity thereof; and whereas none of said consolidated debentures issued under said By-law No. 770 are now outstanding in the hands of the public but a portion thereof have been cancelled and returned to the city pursuant to the said statute and the remainder thereof are held in trust by National Trust Company, Limited, pursuant to said statute and it is desirable to cancel said remainder of said consolidated debentures so held and to make other provision for the repayment of the debentures set out in schedule "E" to said statute maturing in the year 1926 and subsequent years; and whereas the corporation has prayed that an Act may be passed for above purposes; and whereas no opposition has been offered to the said petition; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-law  
No. 1785,  
confirmed.

1. By-law No. 1785 of the city of Port Arthur passed 25th January, 1926, entitled "A By-law providing for a fixed assessment for the lands of the Thunder Bay Paper Company, Limited," set out as schedule "A" hereto, and the agreement dated 21st November, 1925, entered into between said city and Thunder Bay Paper Company, Limited, pursuant to said by-law and in the terms of the provisional agreement appearing as a schedule to said by-law, are hereby validated and con-

firmed

firmed and declared to be legal, valid and binding upon the corporation of the city of Port Arthur and the ratepayers thereof and the said Thunder Bay Paper Company, Limited, and the council of the said city is authorized to do all acts, matters and things necessary to carry out the terms of the said by-law and agreement.

**2.**—(1) All sales of land in the city of Port Arthur made prior to the 1st day of January, 1925, and which purport to be made by the corporation of the said city for arrears of taxes and costs in respect of lands so sold are hereby validated and confirmed and all conveyances of land so sold executed by the mayor and treasurer of the said city, purporting to convey the said lands so sold to the purchaser or his assigns, are hereby validated and confirmed, and shall have the effect of vesting the lands so sold and conveyed, or purported to be sold and conveyed, and the same are hereby vested in the purchaser or his assigns and his and their heirs and assigns in fee simple, free and clear of and from all right, title and interest whatsoever of the owners thereof at the time of such sale or their assigns and of all charges and encumbrances thereon, except taxes accrued since those for non-payment whereof the said lands were sold. Tax sales and deeds confirmed.

(2) Subsection 1 of this section shall extend and apply to cases where the said city or any person or persons in trust for it, or in its behalf, became the purchaser of lands at any such tax sale. Where city is purchaser.

(3) Nothing in this section contained shall affect any action, litigation or other proceeding now pending, but the same may be proceeded with and finally adjudicated upon in the same manner and to the same extent as if this section had not been passed. Pending litigation not affected.

**3.** Notwithstanding any irregularities in the conveyance by the city of Port Arthur and the Board of Park Management of the said city under deed dated 10th September, 1923, and supplementary confirmatory deed, dated 15th October, 1924, of the lands covered by water therein described to His Majesty the King represented by the Honourable the Minister of Public Works, and notwithstanding any defect in the title of the said city or the said Board of Park Management to the said lands or the power of the said city or the said Board of Park Management of the said city to convey the said lands, His Majesty the King represented by the Minister of Public Works for Canada is hereby declared to be the absolute owner in fee simple without further or other conveyance of the lands described therein or intended to be described therein Conveyance to Crown, confirmed.



free and clear of and from all right, title, interest, claim or demand thereto or therein of and by any person whatsoever.

Board of  
Park Man-  
agement to  
be elected.

4.—(1) Notwithstanding the provisions of *The Public Parks Act*, the Board of Park Management of the city of Port Arthur shall consist of the mayor of the said city for the time being and in lieu of appointed members of six other members residents of the municipality but not members of the council who shall be elected at the same time and place and in the same manner as the mayor and subject to subsection 2, the elected members shall hold office for two years and until their successors are elected and the new board is organized and shall be eligible for re-election.

Term  
of office.

(2) One-half of the first elected members shall hold office for two years and the other one-half for one year and shall continue in office until their successors are elected and the new board is organized.

Members  
for two  
years to be  
chosen.

(3) At the first meeting of the board after the first election, the members who are to hold office for two years shall be chosen by lot.

In case of  
vacancy.

(4) Where a vacancy in the board occurs from any cause the council shall immediately appoint a successor who shall hold office during the remainder of the term for which his predecessor was elected.

Date of  
election.

(5) The first election of members of the Board of Park Management shall be held on the date of the next annual election for mayor of the said city and the present members of the Board of Park Management shall hold office until their successors are elected.

Certain  
provisions of  
Con. Mun.  
Act to apply.

1922, c. 72.

(6) Except where otherwise expressly provided the provisions of Parts III and IV of *The Consolidated Municipal Act, 1922*, which are applicable to the members of the council of a local municipality shall apply *mutatis mutandis* to the members of the board to be elected under the provisions of this section.

Public Parks  
Act to apply.

Rev. Stat.  
c. 203

(7) Except as varied hereby the provisions of *The Public Parks Act* shall be applicable to the city of Port Arthur and to the Board of Park Management of the said city.

1912, c. 118,  
s. 5 (1921,  
c. 118, s. 1),  
repealed.

5. Section 5 of chapter 118 of the Statutes of 1912 as amended by section 1 of chapter 118 of the Statutes of 1921, is hereby repealed.

Certain  
debentures  
cancelled.

6.—(1) All consolidated debentures issued by the city of Port Arthur under By-law No. 770 of the said city passed pursuant

pursuant to said chapter 118 of the Statutes of 1912 and deposited with and remaining in the hands of National Trust Company, Limited, pursuant to said statute shall be forthwith cancelled and returned by National Trust Company, Limited, to the said city.

(2) In order to pay the interest falling due in each year on the debentures set forth in schedule "E" to said chapter 118 of the Statutes of 1912 which are outstanding and unpaid and to pay the principal thereof at maturity the council shall levy in each year during the currency of such respective debentures commencing in the year 1926, the respective sums for interest and sinking fund required to be levied under the by-laws severally authorizing the issue of such outstanding debentures set out in said schedule "E" and at the maturity of such debentures respectively the council shall apply to the repayment thereof the amount of the sinking fund available in the hands of the city applicable for such purpose.

Council to levy sums for interest and sinking fund for certain debentures.

(3). (a) In case the sinking fund so available shall be insufficient to repay in full at maturity the debentures in respect of which the same has been raised and applied the council may from time to time by by-law authorize the issue of new debentures payable on any date or dates not later than the 1st day of January, 1952, and carrying interest at a rate not exceeding seven per cent. (7%) per annum and to such an amount as will realize the net sum required to make up such deficiency and a recital or declaration in the by-law authorizing the issue and sale of such new debentures, to the effect that the amount of the new debentures so authorized is necessary to realize the net sum required to be raised to make up such deficiency shall be conclusive evidence of that fact.

Power to issue new debentures for deficiency.

(b) The council may in any such by-law provide for the repayment of the debentures issued under any one or more of the by-laws set out in said schedule "E" and the new debentures may be issued either before, at or after the maturity of the debentures to be repaid.

Issue of new debentures.

(c) The said new debentures may be made payable in any manner authorized by *The Consolidated Municipal Act, 1922*, and the said city shall levy in accordance with the provisions of section 288 of the said Act in each year during the currency of the said debentures, in addition to all other rates, a special rate sufficient to produce the amount required to pay the interest on said debentures and the principal thereof as and when the same become due. Such annual special rate shall be raised and levied against all the rateable property in the municipality provided that in respect to new debentures issued to repay the public school debentures under

Nature of debentures and levy of annual special rate.

By-laws Nos. 577 and 907 set out in said schedule "E" the annual rates in respect thereof shall be raised and levied upon all the rateable property of public school supporters in the said city, and that in respect of new debentures issued to repay any debentures issued for or in respect of railways, telephones or any public utility the provisions of section 32 of *The Public Utilities Act*, Revised Statutes of Ontario, 1914, chapter 204, shall apply to the annual rates to be levied.

Application  
of money.

(d) The said new debentures and all monies arising from the sale or other disposition thereof shall be applied solely in repayment of the respective debentures in respect of which such new debentures are issued.

Assent of  
electors not  
required.

(e) It shall not be necessary to obtain the assent of the electors of the said city to the passing of any by-law under the authority of this section or to observe the formalities in relation thereto prescribed by *The Consolidated Municipal Act, 1922*.

1922, c. 72.

Irregularity  
in form  
not to  
invalidate  
debentures.

(f) No irregularity in the form of the said new debentures or of any of them or of any by-law authorizing the issue thereof shall render the same invalid or illegal or be allowed as a defence to any action brought against the said corporation for the recovery of the said debentures or interest thereon or any part thereof and the purchaser or holder thereof shall not be bound to enquire as to the necessity of passing such by-law or the issue of said new debentures or as to the application of the proceeds thereof.

Treasurer  
to keep  
proper  
books.

(4) It shall be the duty of the treasurer for the time being of the said city to keep a proper book of account setting forth a full and particular statement of the monies available as a sinking fund for the respective debentures set out in schedule "E" to said chapter 118 of the Statutes of 1912 and the number of new debentures which from time to time shall be issued under the powers conferred by this section and the respective amounts payment of which is thereby secured and the times at which the said new debentures shall respectively become due and payable and the several amounts which shall from time to time be realized from the sales or negotiations of the said new debentures and the application which shall from time to time be made of the said amounts, and the said book of account and statement shall at all times and at all reasonable hours be open to the inspection of any ratepayer of the said city and of any holder of debentures set forth in said schedule "E" to said chapter 118 of the Statutes of 1912 or of new debentures which shall be issued under the powers conferred hereby.



7. This Act shall come into force on the day upon which it receives the Royal Assent and sections 5 and 6 shall have effect as from the 1st day of January, 1926. Commence-  
ment of  
Act.

## SCHEDULE "A.

### BY-LAW No. 1785.

A by-law providing for a fixed assessment for the lands of the Thunder Bay Paper Company, Limited.

Whereas the Thunder Bay Paper Company, Limited, has erected and in operation in the City of Port Arthur, a pulp-mill having a capacity of 125 tons per day of ground wood pulp.

And whereas the said Company is contemplating entering into an agreement with the Minister of Lands and Forests of the Province of Ontario for the erection of a news-print mill, on land adjoining or in the vicinity of its present pulp mill, having a capacity of 100 tons per day, said news-print mill to be ready for operation as early as possible in the year 1927, and to cost approximately \$1,000,000 for buildings and machinery.

And whereas the Company is also contemplating entering into an agreement with the said Minister of Lands and Forests, for the extension of said news-print mill, with the necessary ground wood and sulphite extensions, so that with such extensions the said news-print mill will have a total capacity of 200 tons of news-print per day, said extensions to be ready for operation as early as possible in the year 1929, and said extensions to cost approximately \$1,000,000 for buildings and machinery.

And whereas the said Company has requested the Corporation of the City of Port Arthur to exempt the lands and premises upon which said ground wood mill is constructed, and on which said contemplated news-print mill and extensions are to be made, and all lands and premises used in connection therewith, and all rights-of-way and easements now or hereafter used or enjoyed by the Company in connection therewith and all buildings and other erections, plant, machinery and equipment of the said Company now or hereafter placed upon the said lands and premises, and also the Company and the property thereof from time to time within the said City of Port Arthur, from municipal assessment in part, and to agree to and fix the assessment of the said lands and rights and all buildings and other erections, plant, and equipment now or hereafter placed upon the said lands, and the Company and the property hereof from time to time situate in the said Municipality, as hereinafter set forth, saving and excepting such portions of the lands aforesaid upon which may be from time to time erected dwelling houses, stores or other similar buildings not actually used in connection with the plant operated or to be operated by the Company, provided, however, that temporary use of such buildings shall not bring the lands upon which the same are erected within this exception.

And whereas it appears expedient to accede to the said request and to fix the assessment of the said lands, rights, buildings, erections, plant and equipment of the Company and its property, save as aforesaid, for the period of ten years.

Now therefore be it enacted and it is hereby enacted as a By-law by the Municipal Council of the Corporation of the City of Port Arthur that:—

1. An agreement be entered into with the Company in the terms of the draft agreement (Schedule "A" hereto) and that the Mayor and Clerk of the said Municipal Corporation be and they are hereby authorized to execute the said agreement on behalf of the Corporation under its Corporate Seal.

2. The annual assessment of the lands and premises of the Company, including the business assessment, and all the rights-of-way and easements now or hereafter used or enjoyed by the Company in connection therewith, together with the buildings, erections, plant, machinery and equipment now or hereafter constructed, erected or used upon or in connection

therewith

therewith and the annual assessment of the Company and the property franchises, and effects of the Company (including the business assessment) from time to time situate within the City of Port Arthur upon the said lands, saving and excepting such portions of the lands aforesaid upon which may be from time to time erected dwelling houses, stores or other similar buildings not actually used in connection with the plant or plants operated or to be operated by the Company (provided, however, that the temporary use of such buildings shall not bring the lands upon which the same are erected within this exception) shall be and the same is hereby fixed at the sum of Five Hundred Thousand Dollars (\$500,000) for the years 1929 to 1938, both inclusive, and save as aforesaid the said lands, and the Company and its property, franchises and effects from time to time situate upon the said lands within the said City of Port Arthur, shall be and the same are hereby exempted during the years 1929 to 1938, both inclusive, from all municipal assessment and taxation of any and every kind whatsoever beyond the amount to be ascertained in each year by application of the yearly rates levied by the Municipal Council of the City of Port Arthur for all purposes in each such year to the said fixed assessment.

3. The assessors and other officers making the assessment in the said City of Port Arthur are hereby authorized and required to so make their assessment and returns as to conform to the provisions of this By-law.

4. This By-law shall come into force and effect from and after the passing thereof after the same has received the assent of the electors of the Corporation of the City of Port Arthur.

5. Nothing in this By-law contained shall apply to or affect taxation for school purposes and local improvements.

6. The period of exemption and fixed assessment herein provided for shall come to an end on the 31st day of December, 1927, if on or prior to that date or within such further time as the Mayor and Clerk for the time being of the said City of Port Arthur may in writing on the authority of the Council for that purpose grant, the said Company or its successors or assigns, shall not have completed or caused to be completed the said news-print mill, and the plant and equipment for the same, referred to in the second recital hereof at a cost of not less than approximately \$1,000,000 for buildings and machinery.

This By-law shall enure to the benefit of the Company and its successors and assigns.

Passed this 25th day of January, 1926.

(Sgd.) MILTON FRANCIS, *Mayor.*

T. F. MILNE, *Clerk.*

Certified copy:

T. F. MILNE, *City Clerk.*

MEMORANDUM OF AGREEMENT made this 21st day of November, A.D. 1925.

BETWEEN:

THE CORPORATION OF THE CITY OF PORT ARTHUR,  
hereinafter called "The City,"

of the first part,

and

THUNDER BAY PAPER COMPANY, LIMITED,  
hereinafter called "The Company,"

of the second part.

Whereas the Company has erected and in operation in the City of Port Arthur, a pulp mill having a capacity of 125 tons per day of ground wood pulp.

And whereas the Company is contemplating entering into an agreement with the Minister of Lands and Forests of the Province of Ontario, for the erection of a news-print mill, on land adjoining or in the vicinity of its present pulp mill, having a capacity of 100 tons per day, said news print mill to be ready for operation as early as possible in the year 1927.

And whereas the construction of said news-print mill will cost approximately \$1,000,000 for buildings and machinery.

And whereas the Company is also contemplating entering into a contract with the Minister of Lands and Forests of the Province of Ontario, for the extension of said news-print mill, with the necessary ground wood and sulphite extensions, so that with such extensions the said news-print mill will have a total capacity of 200 tons of news-print per day, said extensions to be ready for operation as early as possible in the year 1929, and said extensions to cost approximately \$1,000,000 for buildings and machinery.

And whereas the Company has requested the City to exempt the lands and premises of the Company, upon which said ground wood mill is constructed, and on which said contemplated news-print mill and extensions are to be made, and all lands and premises used in connection therewith, and all rights-of-way and easements now or hereafter used or enjoyed by the Company in connection therewith, and all buildings and other erections, plant, machinery and equipment now or hereafter placed on said lands and premises, and the Company and the property thereof from time to time within the City of Port Arthur, from Municipal Assessment of the said lands and rights and all buildings and other erections, plant, machinery and equipment now or hereafter upon the said lands, and the Company and the property thereof from time to time situate within the said City of Port Arthur as hereinafter set forth, saving and excepting such portions of the lands aforesaid upon which may be from time to time erected dwelling houses, stores or other similar buildings not actually used in connection with the plant operated or to be operated by the Company, provided, however, that temporary use of such buildings shall not bring the lands upon which the same are erected within this exemption.

Now therefore this agreement witnesseth that in consideration of the premises and of the sum of one dollar (\$1.00) now paid by the Company to the City, the receipt whereof is hereby acknowledged, the parties agree each with the other as follows:—

1. The annual assessment of the lands and premises of the Company, including the business assessment, and the rights-of-way and easements now or hereafter used or enjoyed by the Company in connection therewith, together with the buildings, erections, plant, machinery and equipment now or hereafter constructed, erected or used upon or in connection there-

with,



with, and the annual assessment of the Company and the property, franchises and effects of the Company (including the business assessment) from time to time situate within the City of Port Arthur upon the said lands, saving and excepting the portions of the lands aforesaid, upon which may be from time to time erected, dwelling houses, stores or other similar buildings not actually used in connection with the plant or plants operated or to be operated by the Company (provided, however, the temporary use of such buildings shall not bring the lands upon which the same are erected within this exception) shall be, and the same is hereby fixed at the sum of \$500,000 for the years 1929 to 1938 both inclusive, and save as aforesaid the said lands, rights, buildings, plant, machinery and equipment hereinbefore more particularly described, and the Company, and its property, franchises, and effects from time to time situate within the City of Port Arthur shall be and the same are hereby exempt during the years 1929 to 1938 both inclusive, from all municipal assessment and taxation of any and every kind whatsoever beyond the amount to be ascertained in each year by application of the yearly rate levied by the Municipal Council for the City for all purposes in each such year to the said fixed assessment.

2. The period of exemption and fixed assessment herein provided for shall come to an end on the 31st day of December, 1927, if on or before that date, or within such further time as the Mayor and Clerk for the time being of the City may in writing on the authority of the Council, grant for that purpose, the Company or its successors or assigns shall not have completed or caused to be completed the said news-print mill, and the plant and equipment for same referred to in the second recital hereof at a cost of not less than approximately \$1,000,000 for buildings and machinery.

3. This agreement shall enure to the benefit of the Company and its successors and assigns.

4. Nothing in this agreement contained shall apply to or affect taxation for school purposes or local improvement rates.

5. This agreement is subject to the approval of the electors of the City of Port Arthur, entitled to vote thereon and the City agrees to have this agreement submitted to the vote of the electors at the next annual Municipal Election, and will further, if required by the Company, submit the same, and any by-law for such fixed taxation and the carrying out by the City of the terms of this agreement, to the Legislature of the Province of Ontario for validation at its next session.

In witness whereof the parties have caused their presents to be signed by their proper officers and their corporate seals to be affixed.

SIGNED, SEALED AND DELIVERED

in the presence of:

(Sgd.) THUNDER BAY PAPER COMPANY,  
LIMITED,

(Sgd.) A. C. MADSEN,  
GEO. C. SCHNEIDER.

(Sgd.) GEORGE P. BERKEY,  
*Vice-President*  
E. B. REDFORD, *Secretary*  
J. W. CROOKS, *Mayor*  
T. F. MILNE, *Clerk*

Certified copy: T. F. MILNE, *Clerk*

## CHAPTER 91.

## An Act to incorporate the Village of Rosseau.

*Assented to 8th April, 1926.*

**W**HEREAS Vigfus Einarson, John Knowles, R. J. Ariss, <sup>Preamble.</sup>  
all residents of the Police Village of Rosseau in the Township of Humphrey, in the District of Parry Sound, and others, have by their petition represented that the said village has a resident population of 300 inhabitants or thereabouts, which is steadily increasing; and whereas the population of the said village is largely increased in the summer time by the influx of owners of summer cottages and summer residents, so that the resident population in the summer months is increased to above 500 inhabitants; and whereas the said village is a noted summer resort which attracts large numbers of summer visitors from many parts of Canada and the United States; and whereas the inhabitants of the said village have by their petition represented that they are desirous of becoming incorporated as a village, that there is great difficulty in equalizing the values of village and farm properties in said township which is large and scattered, and that its finances could be better husbanded and used to more equitable advantage, and that its progress, interest and prosperity would be promoted if the said village were incorporated; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Village of Rosseau Act*, <sup>Short title.</sup>  
1926.

2. From and after the holding of the first election under this <sup>Incorporation.</sup>  
Act, the inhabitants of the said Village of Rosseau shall be, and they are hereby constituted a corporation or body politic under the name of the corporation of the Village of Rosseau, apart from the Township of Humphrey in which the said village is situate, and shall enjoy and have all the rights, power and privileges which could have been enjoyed and exercised by the said Village of Rosseau if the same had been incorporated under *The Consolidated Municipal Act, 1922*, 1922, c. 72. and amending Acts, except as otherwise provided by this Act.

3.

**Boundaries.**

**3.** The said Village of Rosseau shall comprise and consist of those portions of land, and land covered by the waters of Lake Rosseau in the Township of Humphrey, in the District of Parry Sound, composed of lot one in the fourth concession, the southerly part of lot one in the fifth concession, lots two and three in the fifth concession, including the town plot of Helmsley, lot four in the sixth concession, the southerly sixty acres of each of the lots seventy-one and seventy-two in concession A, together with the adjacent road allowance, and one hundred and fifty feet in width of the adjacent waters of Lake Rosseau, the boundaries of which may be described as follows: Commencing at the water's edge of Lake Rosseau on the southerly side of the extreme south-westerly angle of lot four in the sixth concession; thence, northerly, along the westerly limit of the said lot four, to the centre of the road allowance between the said lot and concession A; thence, easterly, along the centre of the said road allowance, to the division line between lots seventy-two and seventy-three in concession A; thence, northerly, along the westerly limit of the said lot seventy-two, thirty chains and fifty links; thence, easterly, parallel to the southerly limit of the said lot number seventy-two, to the centre of the road allowance between lots seventy and seventy-one in concession A; thence, southerly, along the centre of the said road allowance, thirty chains and fifty links to the centre of the road allowance between concessions five and A; thence, easterly, along the centre of the said road allowance, to the westerly limit of lot one in the fifth concession; thence, southerly, along the said westerly limit, to the centre of the Parry Sound Road as now travelled; thence, easterly, along the centre of the said Parry Sound Road, to the centre of the road allowance between the townships of Humphrey and Cardwell; thence, southerly, along the centre of the said road allowance, to the water's edge of Lake Rosseau; thence, westerly, along the said water's edge, in front of lot one in the fourth concession, lots one, two and three in the fifth concession, and lot four in the sixth concession, to the place of beginning; also that portion of land covered by the waters of Lake Rosseau, lying within one hundred and fifty feet of the water's edge of the said lake, and being in front of the said lots, one, two, three and four of the said Township of Humphrey.

Date and  
place of  
nomination  
for reeve  
and  
councillors.

**4.** After the passing of this Act, it shall be lawful for A. R. Foote, who is hereby appointed the returning officer, to hold the nomination for the first election of reeve and councillors at the Community Hall in the said Village of Rosseau, at the hour of twelve o'clock noon, on the first Monday of May, 1926, of which he shall give one week's notice by a notice in writing posted up in at least six of the most public places in the said Village of Rosseau, and the said A. R. Foote shall preside at the said nomination or in case of his absence,

the



the electors shall choose from among themselves a chairman to preside at the said nomination and such chairman shall have all the powers of a returning officer, and the polling for the said election, if necessary, shall be held on the same day of the week next following and the returning officer or chairman shall, at the close of the nomination, duly announce the polling place or places in the said Village of Rosseau at which the polling is to take place.

5. The said returning officer or chairman shall by his warrant, appoint a deputy returning officer for each additional polling place, if there be more than one, so announced by him, and such returning officer or chairman and each of such deputy returning officers shall, before holding the said election, take the oath or affirmation required by law, and shall respectively be subject to all the provisions of *The Consolidated Municipal Act, 1922*, and amending Acts applicable to returning officers at elections in villages in so far as the same do not conflict with this Act, and the said returning officer or chairman shall have all the powers and perform the several duties devolving on village clerks with respect to municipal elections in incorporated villages. Deputy Returning Officers. 1922, c. 72.

6. The clerk of the said Township of Humphrey and any other officer thereof shall, upon demand made upon him by the said returning officer or any other officer of the said village, or by the chairman hereinbefore mentioned, at once furnish such returning officer, officer or chairman with a certified copy of so much of the last revised assessment roll for the said village and township as may be required to ascertain the names of the persons entitled to vote in the said village at the first election, and with the collectors' roll, and any document, statement, writing or deed that may be required for that purpose, and the said returning officer shall furnish each of the said deputies with a true copy of so much of the said roll as relates to the names of the electors entitled to vote in each of the said polling divisions respectively, and each such copy shall be verified on oath. Clerk of township to furnish certified copy of last revised assessment roll relating to village.

7. The council of the said village to be elected in manner aforesaid, shall consist of a reeve, who shall be the head thereof, and four councillors, and they shall be organized as a council on the same day of the week next following the week of polling, or if there be no polling, on the same day of the next week following the week of nomination, and subsequent elections shall be held in the same manner as in villages incorporated under the provisions of *The Consolidated Municipal Act, 1922*, and amending Acts and the said council and their successors in office, shall have, use, exercise and enjoy all the powers and privileges, and shall be subject to all the liabilities and duties of councils in such villages. Composition of council.

Declara-  
tions of  
office and  
qualification.

1922, c. 72.

8. The several persons who shall be elected or appointed under this Act, shall take the declarations of office and qualification now required by *The Consolidated Municipal Act, 1922*, and amending Acts, to be taken by persons elected or appointed to like office in villages.

Qualifica-  
tion of  
electors at  
first election.

1922, c. 72.

9. At the first election of reeve and councillors for the said Village of Rosseau, the qualifications of electors and that of the officers required to qualify shall be the same as that required in villages by *The Consolidated Municipal Act, 1922*, and amending Acts and the qualification for reeve shall be the same as that of a reeve in a village.

Adjustment  
of assets and  
liabilities.

1922, c. 72.

10. The council of the said Village of Rosseau shall be entitled to recover from the said Township of Humphrey such share of all moneys on hand, due, owing and of right collectible by and belonging to the said township at and prior to the said time of incorporation or thereafter, if entitled thereto, as shall bear such proportion to the whole as the amount of the assessed property within the limits of the said village as shown by the collector's roll for the year 1925 bears to the whole amount of the assessed property of the said Township of Humphrey, and the said village shall be liable to pay to the said township a share in the same proportion of all debts and liabilities existing against the said township at the time this Act shall come into force, as the same shall become due and which are fairly and equitably chargeable against the said village, and in case of dispute, the share to be borne by each respectively shall be ascertained and settled under the provisions of *The Consolidated Municipal Act, 1922*, and amending Acts.

Expenses of  
Act.

11. The expenses incurred in obtaining this Act, and those of furnishing any documents or copies of papers, writings, deeds or any matters whatsoever required by the clerk or other officer of the said village or otherwise, shall be borne by the said village and paid by it to any party that may be entitled thereto.

Assessment  
of property  
in village,  
by town-  
ship for 1926  
to govern.

12. The assessment roll and the assessments and all other matters contained therein for all that part of the Township of Humphrey that is hereby created into the Village of Rosseau as made by the assessor for the said Township of Humphrey for the year 1926 shall be valid and binding upon the persons and properties mentioned in the said assessment roll as if the said corporation of the Village of Rosseau had been created and the same had been made by an assessor duly appointed by the council of said village municipality at the time the said assessment roll was made, and the clerk of the said Township of Humphrey shall forthwith after the expiration of the time limited for appealing to the court of

revision from the said assessment roll, furnish to the said A. R. Foote, or to the clerk for the time being of the said Village of Rosseau, a true copy certified as such under his hand and the seal of the corporation of the Township of Humphrey, of so much of the said assessment roll as relates to the lands and other properties within the limits of said village, and the income and business assessment of persons residing within such limits, together with all notices of appeal from the assessment or other matters contained in or omitted from the said roll that have been filed with him that relate in any way to the said matters aforesaid, and thereafter the said appeals and the said portion of said assessment roll and the taxes to be payable thereunder shall belong to, be collected by, and be dealt with by the council of the said Village of Rosseau in the same manner as if the said Village of Rosseau had been regularly constituted at the same time the various proceedings were taken and had been made or received by duly appointed officials of the said village corporation.

**13.** This Act shall come into force on the day upon which it receives the Royal Assent.

Commence-  
ment of  
Act.



## CHAPTER 92.

An Act respecting the Corporation of the  
City of Sarnia.*Assented to 8th April, 1926.*

## Preamble.

**W**HEREAS the corporation of the city of Sarnia has, by its petition, prayed that it be enacted as hereinafter set forth; and whereas special conditions exist in the said city which render it expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

## Short title.

**1.** This Act may be cited as *The City of Sarnia Act, 1926.*

## Power to borrow money for purchase of Sarnia Street Railway bonds.

**2.** The corporation of the city of Sarnia may, from time to time, with the assent of the electors of the said city of Sarnia qualified to vote on money by-laws purchase first mortgage bonds of the Sarnia Street Railway Company, Limited, from the company, and may pass by-laws for so doing and for the raising of the money for payment therefor.

## Nature and terms of bond issue.

**3.** Such bond issue shall be a first charge on all the assets of the company, and shall mature not later than ten years from the date of its issue, and shall not exceed in its aggregate \$90,000.

## Term of debentures

**4.** The debentures issued by the city of Sarnia for the purposes aforesaid shall mature not later than ten years from the date of the issue of the said bonds.

## CHAPTER 93.

## An Act respecting the City of Sault Ste. Marie.

*Assented to 8th April, 1926.*

**W**HEREAS the municipal council of the corporation of Preamble.  
the city of Sault Ste. Marie, hereinafter called "the corporation," has, by petition, represented that it is desirable that by-law 1276 of the corporation and the agreement with the International Transit Company, set out as Schedule 1 hereto, and by-law 1283 of the corporation should be confirmed, and that all sales of land within the city of Sault Ste. Marie, made subsequent to the 31st day of December, 1923, and prior to the 1st day of January, 1925, which purport to have been made by the said corporation for arrears of taxes in respect to the land so sold, for which tax deeds have been issued by the said corporation, be validated and confirmed; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**1.** This Act may be cited as *The City of Sault Ste. Marie Act, 1926.* Short title.

**2.** By-law 1276 of the corporation and the agreement with the International Transit Company set out in Schedule 1 hereto are confirmed and declared to be legal, valid and binding upon the corporation and the ratepayers thereof and upon the said company. By-law No. 1276 and agreement in Schedule 1 confirmed.

**3.** By-law No. 1283 of the corporation intituled "A by-law to provide for the borrowing of \$33,500 upon debentures to pay for the construction of a reinforced concrete pavement on Wellington Street in the city of Sault Ste. Marie from the east side of Gore Street to the west side of Fauquier Avenue, in the year 1925," and the debentures issued or to be issued thereunder are hereby ratified and confirmed and declared to be legal, valid and binding on the said corporation and the ratepayers thereof. By-law No. 1283 and by-laws issued thereunder confirmed.

**Tax sales  
and deeds  
confirmed.**

**4.**—(1) All sales of land within the city of Sault Ste. Marie made subsequent to the 31st day of December, 1923, and prior to the 1st day of January, 1925, which purport to have been made by the corporation of the said city for arrears of taxes in respect to lands so sold for which tax deeds have been issued by the said corporation, are hereby validated and confirmed, and all deeds of lands so sold executed by the mayor and treasurer of the said corporation on behalf of the said corporation, purporting to convey the said lands so sold to the purchaser thereof or his, her or their assigns are hereby validated and confirmed, and shall have the power of vesting the lands so sold or conveyed or purporting to be sold or conveyed and the same are hereby vested in the purchaser or his or her or their heirs and assigns in fee simple, free and clear of and from all title or interest whatsoever of the owner or owners thereof at the time of such sale, or his, her or their assigns, and all charges or encumbrances thereon, except taxes accrued since those for which non-payment whereof the said lands were sold.

**Where  
corporation  
is purchaser.**

(2) Subsection 1 of this section shall extend and apply to cases where the said corporation or any person or persons in trust for it or in its behalf, became the purchaser of lands at any such tax sale.

**Pending  
litigation  
not affected.**

(3) Nothing in this section contained shall affect any action, litigation or other proceedings now pending, but the same may be proceeded with and finally adjudicated upon in the same manner and as fully and effectually as if this Act had not been passed.

**Commence-  
ment of Act.**

**5.** This Act shall come into force on the day upon which it receives the Royal Assent.



## SCHEDULE 1.

BY-LAW No. 1276

OF THE CITY OF SAULT STE. MARIE.

A by-law to authorize the execution of a grant of a renewal of a franchise to The International Transit Company for the operation of a Street Railway in the City of Sault Ste. Marie.

Whereas by the Agreement, dated March 15th, 1901, the said Corporation of the Town of Sault Ste. Marie, did therein grant and confirm to the Sault Ste. Marie Electric Light and Transit Company, the free and exclusive right, power and authority for a period of 26 years from July 1st, 1900, to operate surface street railways in the Town of Sault Ste. Marie, on the terms therein set forth.

And whereas under the provisions of Statutes of Ontario, 1 Edward VII, 1901, Chapter 71, the name of the Sault Ste. Marie Electric Light and Transit Company was changed to The International Transit Company.

And whereas it is provided by Paragraph 15 of the said Agreement of March 15th, 1901, as follows:—

At the expiration of this franchise, if no renewal for a like period be granted by the Corporation on the same terms as above mentioned, the Corporation shall take over and pay the Company for the property of the Company at a valuation to be determined by arbitration in the manner provided by *The Arbitration Act*, and in estimating the value of the said street railway and its plant and property the arbitrators shall take into account the earning powers thereof at the date of the arbitration and allow the Company accordingly.

And whereas it has been deemed expedient at the expiration of the said franchise to grant a renewal thereof for a like period on the same terms as set forth in the said Agreement, dated March 15th, 1901.

Now therefore the Municipal Council of the Corporation of the City of Sault Ste. Marie, enacts as follows:—

1. The Mayor and Clerk of the City of Sault Ste. Marie are hereby authorized, instructed and directed to execute the grant set forth in Schedule "A" hereto, which is hereby incorporated in and made part of this By-law, to attach the sale of the Corporation thereto, and forthwith thereafter to deliver the same to The International Transit Company.

2. This By-law shall take effect on the day of the passing thereof, subject to its being assented to by the Municipal Electors.

Read a first and second time, this 30th day of November, A.D. 1925.

"R. G. CAMPBELL," *Clerk*.

Read a third time and finally passed in open Council this 8th day of February, A.D. 1926.

"T. J. IRWIN," *Mayor*.

"C. W. McCREA," *Acting Clerk*.

## SCHEDULE "A."

This indenture made this sixth day of November, A.D. 1925,

BETWEEN:

THE MUNICIPAL CORPORATION OF THE CITY OF SAULT STE.  
MARIE, hereinafter called "The Municipal Corporation,"

of the first part,

—and—

THE INTERNATIONAL TRANSIT COMPANY, hereinafter called  
"The Company,"

of the second part.

Whereas by Agreement, dated March 15th, 1901, the Municipal Corporation did grant and confirm to the Sault Ste. Marie Electric Light and Transit Company the free and exclusive right, power and authority for a period of twenty-six (26) years from the first day of July, 1900, to operate surface street railways in the Town of Sault Ste. Marie, in the District of Algoma, on the terms and conditions therein set forth.

And whereas under the provisions of Statutes of Ontario, 1 Edward VII, 1901, Chapter 71, the name of the Sault Ste. Marie Electric Light and Transit Company has been changed to "The International Transit Company."

And whereas by Paragraph 15th, of the said Agreement, of March 15th, 1901, it was provided:

At the expiration of this franchise, if no renewal for a like period be granted by the Corporation on the same terms as above mentioned, the Corporation shall take over and pay the Company for the property of the Company at a valuation to be determined by arbitration in the manner provided by *The Arbitration Act*, and in estimating the value of the said street railway and its plant and property the arbitrators shall take into account the earning powers thereof at the date of the arbitration and allow the Company accordingly.

And whereas the Municipal Corporation has deemed it expedient to grant a renewal of the franchise, as provided in said Paragraph 15.

1. Now therefore this indenture witnesseth that in pursuance of the provisions for renewal above referred to, the Municipal Corporation doth hereby grant and confirm to the Company, the free and exclusive right, power and authority for a period of twenty-six (26) years from the first day of July, 1926, and no longer, to operate surface street railways in the City of Sault Ste. Marie, in the District of Algoma, including therein, all territory, which may hereafter be brought within the limits of the said City, but which at present is not therein upon and subject to the terms and conditions hereinafter contained.

2. Provided however, that the grant above made shall be subject to any rights heretofore granted to the said Company by the Municipality of Sault Ste. Marie or the Town of Steelton over streets formerly under their jurisdiction and which have subsequently come under the jurisdiction of the said Municipal Corporation.

3. The Company shall maintain and keep in operation for a period of twenty-six (26) years from July 1st, 1926, a surface street railway to be operated by electricity upon the Trolley System from the vicinity of the works formerly operated by the Lake Superior Power Company in the West End of the City to Upton Road in the eastern portion thereof.

4. The said Company, its successors and assigns shall have the exclusive right to build, subject to existing rights referred to in Paragraph 2, hereof, and operate the street railway in any and all the said streets of the said City, including all streets which the said Municipal Corporation may

hereafter

hereafter acquire jurisdiction or authority over, free of charge or rental therefor and the said Company shall maintain a single or double track or a single track with switches, side tracks or turnouts, as to the said Company may from time to time seem proper, along Queen and Superior Streets (now Queen Street West) from Upton Road to Huron Street, during the said period of twenty-six (26) years.

5. The said Company shall be permitted without let or hindrance from the Municipal Corporation, its successors or assigns to construct, maintain or operate an iron or steel street railway track or tramway with the necessary culverts, switches, or turnouts for the passage of cars, carriages, or other vehicles adapted to the same, in, upon and along any and all of the streets of the City of Sault Ste. Marie, Ontario, including all streets over which said Corporation may hereafter acquire jurisdiction or authority, subject to existing rights referred to in Paragraph 2, hereof.

6. All works necessary for constructing and laying down said work or tramway shall be made in a substantial manner suitable to the traffic and with due regard to the growth and requirements of the City.

7. The tracks and turnouts shall conform to the grades of the streets as furnished by the City Engineer, and the Company shall not in any way change or alter the same except with the approval of the said Engineer; but in all cases where it is found necessary in determining the grades of the said railway or tramway to lay the same at a different grade from the street or road, then in such cases the Company shall make up or depress the grade of the said street to conform with the grade of the railway or tramway; the top of the rails shall be laid flush with the street as nearly as practicable and the gauge of the said railway or tramway shall be four feet eight and one-half inches, or such other gauge as to the Company may from time to time seem proper.

8. The said Municipal Corporation shall have the right, and it shall be lawful for it after twenty (20) days' written notice of its intention so to do, to take up any part of the streets or highways traversed by the railway or tramway of the said Company for the purpose of altering the grade thereof, constructing or repairing sewers, drains, culverts or street crossings, or for the laying down or repairing water pipes, or for any other purpose or purposes within the province, or privileges of a Municipal Corporation, and the Company shall not be entitled to any compensation for damages occasioned thereby to the working of the said railway or tramway or works connected therewith or otherwise howsoever provided that the Municipal Corporation shall bear the cost of taking up and replacing the tracks, rails and works and of putting the same in as good a condition as when they were taken up.

9. The cars, teams and vehicles of the Company shall have the first right of way over the said railway or tramway and all vehicles and persons travelling on that portion of the said highway occupied by the said railway or tramway shall turn out upon meeting or being overtaken by any car or vehicle of the Company so as to give such car or vehicle free right of way.

10. The Company shall run, at least, one car each way hourly each day on a regular time-table between the hours of 6 a.m. and 10 p.m., except prevented by accident or storm or excessive depth of snow, in any of which cases due diligence shall be exercised to put the line again into operating condition.

11. The speed of the cars shall never exceed ten miles per hour.

12. No higher fare than five cents shall be charged for the conveyance of each passenger for a continuous journey the full distance one way on the line within the limits of the Town of Sault Ste. Marie, as same existed on March 15th, 1901.

13. The Company shall be liable for all damages arising out of the improper or negligent construction, repair or operation of the said railway or tramway, and the Company shall hold the Municipal Corporation in all respects harmless in respect thereof, and, upon demand, shall forthwith pay to the Municipal Corporation all sums payable by or recovered against



the said Municipal Corporation in respect of any such claims arising from the causes above mentioned, together with all costs of or incidental to such claims incurred by the Municipal Corporation; provided however, that such claims have in no way arisen from the negligence, omissions or other default or defaults of the said Municipal Corporation apart from said railway or tramway.

14. Should the Company neglect to keep its track or roadway or crossings or ballasting in good condition according to the terms of this grant or to have the necessary repairs according to this grant made thereon, the said Municipal Corporation may give written notice requiring such repairs to be forthwith made; and if after such notice the Company do not within one week begin and carry to completion with all reasonable diligence the necessary repairs, then such necessary repairs may be made by the Municipal Corporation at the expense of the Company.

15. At the expiration of this renewal, if no renewal for a like period be granted by the Corporation on the same terms as above mentioned, the Corporation shall take over and pay the Company for the property of the Company at a valuation to be determined by arbitration in a manner provided by *The Arbitration Act*, and in estimating the value of the said Street Railway and its plant and property, the Arbitrators shall take into account the earning powers thereof at the date of the arbitration and allow the Company accordingly.

16. This grant is intended to renew the franchise under the provisions of Paragraph 15 of the said Agreement, dated March 15th, 1901, applicable to conditions existing at the date of such renewal; and the Municipal Corporation for the more effectually carrying out of said intention hereby makes this grant, subject to and including all terms and conditions proper and necessary for effecting a renewal of the franchise under the provisions of said Paragraph 15.

In witness whereof the Municipal Corporation has hereunto affixed its seal and caused to be set the hands of its Mayor and Clerk.

SIGNED, SEALED AND DELIVERED

THE MUNICIPAL CORPORATION OF THE  
CITY OF SAULT STE. MARIE,

in the presence of:

"T. J. IRWIN," Mayor.

"C. W. MCCREA," Acting Clerk. (SEAL)

## CHAPTER 94.

## An Act respecting the Township of Stamford.

*Assented to 8th April, 1926.*

**W**HEREAS the corporation of the township of Stamford <sup>Preamble.</sup> has by its petition prayed for special legislation in regard to the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Township of Stamford Act*, <sup>Short title.</sup> 1926.

2. Section 2 of *An Act respecting the Township of Stamford* <sup>1924, c. 126.</sup> <sup>s. 2,</sup> passed in 1924 and chaptered 126 is repealed and the following <sup>repealed.</sup> substituted therefor,—

2. The municipal council of the corporation of the township of Stamford may pass by-laws

(1) (a) To construct, operate and maintain sewers, a <sup>Power to construct sewer system.</sup> sewerage system, sewage disposal works, and pumping stations, outfall sewers and storm overflow sewers for the benefit of any defined area or areas of the township.

(b) To provide in any such by-law that the whole cost of <sup>Levy of cost,—what included.</sup> construction, operating and maintaining any such sewerage system, sewage disposal works, sewers and pumping stations, outfall sewers and storm overflow sewers, other than those mentioned in clause (c) of this subsection, shall be charged and levied upon and from all the rateable property in any such defined area or areas, and that such cost shall include in addition to the ordinary cost of construction, the cost of all connections and appliances of every kind whatsoever, and including those parts of the work situate at street intersections in connection with the system as well as any claim for damages arising out of or incidental to the construction and maintenance of said works.

(c)

Application  
of Local Im-  
provement  
Act to define  
area or areas.

Rev. Stat.  
c. 193.

To extend  
defined area  
or areas.

To construct  
main sewer-  
age system.

Levy of  
cost,—what  
included.

Exemption  
for specified  
lands.

- (c) To provide for the construction in any such area or areas as local improvements of all such sewers, sewer connections and sewerage works of any kind whatsoever which a municipality has power to construct under the provisions of *The Local Improvement Act*, and the corporation shall have, in respect to the construction of such works in any such defined area or areas, all the powers given to municipalities by *The Local Improvement Act*, and may exercise such powers in such defined area or areas, the same in all respects, *mutatis mutandis*, as if such defined area or areas comprised the whole municipality, and wherever in *The Local Improvement Act* it is provided that any portion of the cost of the construction of a sewer or sewerage works may be charged against the corporation then in the case of like works shall instead be charged and levied upon and from all the rateable property in the defined area or areas in which the work is situate.
- (d) To enlarge or extend any such defined area by adding thereto such portion or portions of the township as may be described in a petition to or designated by the council.
- (e) To construct, extend, maintain and operate one main sewerage system in any such enlarged or extended area, or in two or more defined areas.
- (f) To provide that the cost of acquiring, constructing, extending, maintaining and operating any such system in the whole area or areas described in any by-law passed pursuant to clauses (d) and (e) of this subsection, including the portions of the cost of branch mains at street intersections payable by any such described defined area, shall be levied upon and from all the rateable property in such enlarged or extended area, or upon and from all the rateable property in any such two or more defined areas, as the case may be, and such costs shall include all liabilities previously incurred in respect to such works, but accruing due subsequent to the passing of such by-law.
- (2) To exempt in whole or in part from taxation imposed by reason of the special assessment in respect of sewers constructed under the provisions of this Act, such lands as the municipal council may specify which are used solely for farm purposes until such time as the said lands are subdivided or built

upon



upon; but the special assessments imposed thereon which fall due while such land remains exempt shall not be collected or collectible from the owner thereof, but shall be paid by the area.

- (3) The said section 2 as hereby amended, shall be deemed to have been in force as from and after the 1st day of January, 1924.

**3.** By-law No. 73 of the municipal corporation of the township of Stamford passed the 13th day of February, 1926, <sup>By-law No. 73, confirmed.</sup> to provide for the issue of debentures for the sum of \$373,781.22 to pay for the construction of certain sewers in the township of Stamford and the debentures to be issued thereunder are hereby declared to be legal, valid and binding upon the said corporation and the ratepayers thereof.

**4.** This Act shall come into force on the day upon which it receives the Royal Assent. <sup>Commencement of Act.</sup>

## CHAPTER 95.

## An Act respecting the City of Stratford.

*Assented to 8th April, 1926.*

Preamble.

**W**HEREAS the corporation of the city of Stratford has presented a petition praying that it should be enacted as hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

Short title.

**1.** This Act may be cited as *The City of Stratford Act, 1926*.

Power to submit by-law to electors.

1922, c. 72.

**2.** Notwithstanding the provision of subsection 3 of section 263 of *The Consolidated Municipal Act, 1922*, it shall be lawful for the council of the corporation of the city of Stratford to submit for the approval of the electors of the said city of Stratford entitled to vote on money by-laws at any time during the year 1926, a by-law for the purchase of the gas plant, gas works and distributing system (and such other property of the said Stratford Gas Company as may be deemed advisable) the vote on said by-law to be taken in the manner required by, and subject to, all the other provisions in *The Consolidated Municipal Act, 1922*, with respect to voting upon by-laws requiring the assent of the electors.

Power to pass by-law after assent.

**3.** If the said proposed by-law receives the assent of the electors, the council of the said corporation may finally pass the said by-law, and proceed with the purchase of the said plant, upon the terms and for the price set forth in the said by-law and may do all things necessary to carry out the provisions of the said by-law.

Commencement of Act.

**4.** This Act shall come into force the day upon which it receives the Royal Assent.

## CHAPTER 96.

## An Act respecting the Township of Teck.

*Assented to 8th April, 1926.*

**W**HEREAS the corporation of the township of Teck, Preamble.  
 in the district of Temiskaming, has by petition represented that it is desirable to authorize the said council, notwithstanding the provisions of *The Statute Labour Act* and Rev. Stat. c. 196.  
*The Assessment Act*, to pass a by-law fixing the poll tax at an amount not to exceed ten dollars (\$10); and whereas it is Rev. Stat. c. 195.  
 expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**1.** This Act may be cited as *The Township of Teck Act*, Short title.  
 1926.

**2.** The council of the corporation of the township of Teck Authority to pass by-law fixing poll tax.  
 may, by by-law, fix the tax payable under the provisions of section 4 of *The Statute Labour Act* at an amount not to exceed Rev. Stat. c. 196.  
 ten dollars (\$10).

**3.** This Act shall come into force and take effect on the Commencement of Act.  
 day upon which it receives the Royal Assent.



## CHAPTER 97.

## An Act respecting the Township of Thorah.

*Assented to 8th April, 1926.***Preamble.**

**W**HEREAS the corporation of the township of Thorah has by petition represented that By-law No. 342 of the corporation of the township of Thorah entitled "A By-law to provide for borrowing \$8,500 upon debentures to pay for the widening of Morrison Avenue and the extension thereof as shown on Plans Nos. 112 and 136, being plans of subdivisions of parts of Lots Nos. 14 and 15, in the 6th and 7th Concessions of the Township of Thorah, in the County of Ontario," was duly passed by the corporation of the township of Thorah and certain doubts have arisen as to the validity of the said by-law, and the debentures issued thereunder, and it is desired that the said by-law, and the debentures issued thereunder, should be validated and confirmed; and whereas no opposition has been offered to the said petition; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**By-law  
No. 342,  
confirmed**

**1.** By-law No. 342 of the corporation of the township of Thorah entitled "A By-law to provide for borrowing \$8,500 upon debentures to pay for the widening of Morrison Avenue and the extension thereof as shown on Plans Nos. 112 and 136, being plans of subdivisions of parts of Lots Nos. 14 and 15, in the 6th and 7th Concessions of the Township of Thorah, in the County of Ontario," and bearing date the 12th day of December, A.D. 1924, and all debentures issued or to be issued thereunder and all rates levied or to be levied for the payment thereof are hereby confirmed, and declared to be legal, valid and binding upon the said corporation and the ratepayers thereof.

**Commence-  
ment of  
Act.**

**2.** This Act shall come into force on the day upon which it receives the Royal Assent.

## CHAPTER 98.

## An Act respecting the Township of Tisdale.

*Assented to 8th April, 1926.*

**W**HEREAS the corporation of the township of Tisdale <sup>Preamble.</sup> has by its petition represented that it is indebted in the sum of thirty-one thousand, seventy-eight dollars and twenty-seven cents (\$31,078.27), for moneys expended in the construction and repair of permanent highways within the limits of the corporation, and that it is necessary and expedient to borrow on the credit of the corporation at large, the sum of thirty-two thousand dollars (\$32,000), and to issue debentures therefor, repayable in ten equal annual instalments, covering principal and interest, at the rate of five and one-half per centum per annum, as provided by By-law No. 320 duly passed by the municipal council of the said corporation, on the 15th day of February, 1926, and whereas the said corporation by its petition has prayed that an Act may be passed to confirm said by-law; and whereas, it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Township of Tisdale Act*, <sup>Short title.</sup> 1926.

2. By-law No. 320 of the corporation of the township of Tisdale, set out as schedule 1 hereto, and all debentures <sup>By-law No. 320, confirmed.</sup> issued or to be issued thereunder are hereby confirmed and declared to be legal, valid and binding on the said corporation and the ratepayers thereof.

3. This Act shall come into force on the day upon which it <sup>Commencement of Act.</sup> receives the Royal Assent.

## SCHEDULE "1."

## TOWNSHIP OF TISDALE BY-LAW NO. 320.

To authorize the issue of debentures for the sum of \$32,000.00 to provide for the payment of the indebtedness of the Township in connection with the repair and construction of permanent highways within the Municipality.

Whereas it was deemed advisable and became incumbent upon the Council to undertake the payment of one-tenth of the cost of the construction and improvement of the trunk road between the Town of Timmins and South Porcupine, pursuant to the powers in that behalf contained in Section 482 of *The Consolidated Municipal Act, 1922*, and the Township's share of the cost of such works is \$13,128.27.

And whereas the Council of the Township deemed it advisable and expedient to improve the highway known as the Dome Road between the Dome Mine and South Porcupine, and convert the same into a permanent highway under an arrangement entered into with the Government of the Province of Ontario under the provisions of *The Colonization Roads Act* as set out and confirmed by By-law No. 313 of the Township of Tisdale, and the Township's share of the said works thereunder amounts to the sum of \$17,950.00.

And whereas for the purposes aforesaid, it is necessary to borrow on the credit of the Corporation at large the said sums and to issue debentures therefor, bearing interest at the rate of  $5\frac{1}{2}$  per cent. per annum, and it has been decided to issue such debentures to the amount of \$32,000.00, which is the amount of debt intended to be created by this By-law.

And whereas it is desirable to make the said debt payable in ten annual instalments during the period of ten years, the currency of the debentures to be issued under this By-law, of such amounts respectively, that with the interest in respect of the debt payable annually, the aggregate amount payable for principal and interest in each year shall be as nearly as possible the same.

And whereas it will be necessary to raise in each year in which an instalment becomes due, the sum of \$4,245.37 to pay it when and as it becomes due.

And whereas the amount of the whole rateable property of the municipality, according to the last revised assessment roll is Three Million Eight Hundred and Twenty-four Thousand Nine Hundred and Eighty Dollars (\$3,824,980.00).

And whereas the amount of the debenture debt of the Corporation (exclusive of local improvement debts secured by special rates of assessment) is Six Hundred and Twenty-eight Thousand Five Hundred and Sixty-three Dollars and Twenty-six Cents (\$628,563.26) and no part of the principal or interest thereof is in arrear.

Now therefore the Municipal Council of the Corporation of the Township of Tisdale enacts as follows:

(1) That there shall be borrowed on the credit of the Corporation at large the sum of Thirty-two Thousand Dollars (\$32,000.00) and debentures shall be issued therefor in sums of not less than One Hundred Dollars (\$100.00) each.

(2) The debentures shall all bear the same date, and shall be issued within one year after the passing of this By-law, and may bear any date within such one year, and shall be payable in ten equal annual instalments during the ten years from the time when they are issued, and the respective amounts payable in each of such years shall be as set out in Schedule "A" attached hereto, which forms part of this By-law.



(3) The debentures shall bear interest at the rate of  $5\frac{1}{2}$  per cent. per annum, payable annually on the day and month of issue, and shall have coupons attached thereto for the interest payable thereon in each year during the currency thereof, and as to both principal and interest, shall be expressed in Canadian currency, and be made payable at the Chief Office of the Imperial Bank of Canada in South Porcupine or Toronto, in Ontario, or in Montreal, in Quebec, at the option of the holder thereof.

(4) The debentures shall be signed by the Reeve and Treasurer and shall be sealed with the Seal of the Corporation.

(5) The coupons shall be signed by the Treasurer and his signature on the said debentures or coupons may be written, stamped, lithographed or engraved.

(6) During the currency of the debentures there shall be raised in each year, in which an instalment of principal and interest becomes due, the sum of \$4 245.37 to pay it when, and as it becomes due, as set forth in Schedule "A" to this By-law.

(7) The debentures may contain any clause providing for the registration of them authorized by law.

(8) This By-law shall take effect on the day of the final passing thereof.

Read, a first, second and third time and passed in open Council this 15th day of February, A.D. 1926.

DAVID G. KERR, *Reeve*.

FRANK C. EVANS, *Clerk*.

#### *Schedule "A."*

Schedule referred to in foregoing By-law showing how the amount of \$32,000.00 thereby required to be raised annually by special rate is apportioned.

Year	Principal	Interest	Total
1927.....	\$2,485 37	\$1,760 00	\$4,245 37
1928.....	2,622 10	1,623 27	4,245 37
1929.....	2,766 30	1,479 07	4,245 37
1930.....	2,918 47	1,326 90	4,245 37
1931.....	3,078 77	1,166 60	4,245 37
1932.....	3,248 30	997 07	4,245 37
1933.....	3,426 95	818 42	4,245 37
1934.....	3,615 43	629 94	4,245 37
1935.....	3,814 26	431 11	4,245 37
1936.....	4,024 05	221 32	4,245 37
	<u>\$32,000 00</u>	<u>\$10,453 70</u>	<u>\$42,453 70</u>

## CHAPTER 99.

## An Act respecting the City of Toronto.

*Assented to 8th April, 1926.*

## Preamble.

**W**HEREAS the corporation of the city of Toronto has by petition represented that the corporation of the village of Forest Hill has requested it to enter into an agreement to provide for the corporation of the city of Toronto taking care of the sanitary sewage from the village of Forest Hill, and that such sanitary sewage can only be so taken care of by being received into the system of sewers known as the North Toronto Sewerage System, which the said corporation of the city of Toronto is now constructing under the provisions of *The Local Improvement Act*, and into the sewage disposal plant to be constructed in connection with the said North Toronto Sewerage System, which will involve an increase in the size of some of the sewers in the said North Toronto Sewerage System, and that it is desirable that the corporation of the city of Toronto should be authorized and empowered to enter into an agreement to so take care of the sanitary sewage from the village of Forest Hill without imperiling the validity of the construction of the North Toronto Sewerage System as a local improvement under the provisions of *The Local Improvement Act*; and whereas the said corporation has by its petition prayed that an Act may be passed for such purposes and for the other purposes as hereinafter set out; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Power  
to enter into  
agreement  
with Village  
of Forest  
Hill.

1.—(1) The corporation of the city of Toronto and the corporation of the village of Forest Hill may enter into an agreement to provide for receiving the sanitary sewage from the village of Forest Hill into the sewers of the city of Toronto, comprising the North Toronto Sewerage System upon terms to be agreed upon.

North  
Toronto  
sewerage  
system may  
be enlarged,  
additional  
cost to form  
part of cor-  
poration's  
share.

(2) Subject to the terms of said agreement the corporation of the city of Toronto may increase the size of the sewers comprising the North Toronto Sewerage System to the extent necessary to provide for receiving the sewage of the village of

Forest

Forest Hill, and the amount of any addition to the cost of the construction of the said North Toronto Sewerage System occasioned by so increasing the size of any sewer comprised in the said system shall form part of the corporation's portion of the cost of the said work and shall not be specially assessed.

(3) Nothing that may be done by the said corporation of the city of Toronto under the provisions of this section or the agreement hereby authorized shall invalidate or prejudice the construction of the North Toronto Sewerage System, or the by-law authorizing such construction or the special assessment of the cost thereof, or any part of the same, under the provisions of *The Local Improvement Act*.

Construction of North Toronto sewerage system not affected.

2. The grants made by the corporation of the city of Toronto of \$400 to St. Elizabeth Visiting Nurses' Association, and \$600 to the Great Lakes Harbours' Association, are hereby validated and confirmed.

Grants to St. Elizabeth Visiting Nurses' Association and Great Lakes Harbour Association confirmed.

3. Upon the sum of at least \$450,000 being raised from other sources for the Banting Research Foundation, the council of the said corporation of the city of Toronto may make a grant of \$50,000 to the said foundation and may pass a by-law or by-laws to raise the said sum of \$50,000 by the issue of debentures without submitting same to the electors qualified to vote on money by-laws.

Authority to raise and grant \$50,000 for Banting Research Foundation without assent of electors.

4.—(1) The council of the said corporation may, without submitting the same to the electors qualified to vote on money by-laws, pass a by-law or by-laws for the issue of debentures to raise the sum of \$700,000 to provide for the cost of erecting in Exhibition Park, a building to be known as the Province of Ontario Building.

Power to raise \$700,000 without assent of electors for Province of Ontario Building in Exhibition Park, Toronto.

(2) The amount of any debentures issued under the authority of this section shall not be considered as part of the debenture debt of the said corporation in estimating the limit of its borrowing power.

Borrowing power of corporation not affected.

5.—(1) By-law No. 10554 passed by the council of the corporation of the city of Toronto, being "A By-law to authorize the construction of local sewers, trunk sewers and outlets comprising the North Toronto Sewerage System under the provisions of *The Local Improvement Act*," is hereby ratified, confirmed and declared to have been passed under the provisions of *The Local Improvement Act*, and to be legal, valid and binding upon the said corporation and the ratepayers thereof.

By-law No. 10554, confirmed.



Power to  
borrow  
money  
without  
assent of  
electors for  
works  
authorized  
by by-law.

(2) The said corporation may proceed with the construction of the works authorized by the said By-law No. 10554 as a local improvement, pursuant to the provisions of the said Act and pending the completion of all of said works, may, without the assent of the electors qualified to vote on money by-laws from time to time borrow upon the credit of the corporation any money that may be required to construct the said works or any of them, or to re-pay any sum or sums borrowed for such purposes and the interest thereon, either by obtaining advances from any bank or person, or by issuing debentures, notes or other securities in such form and at such rate of interest and payable upon such dates as the council of said corporation may from time to time determine.

What to  
be included  
in cost of  
work.

(3) The amount of money borrowed under the provisions of the next preceding subsection and outstanding at the time of the completion of all of said works and any amount paid or payable for interest upon any sum so borrowed, shall form part of the cost of the said works and shall be a first charge upon and be repaid out of the moneys borrowed by the said corporation to defray the cost of the said works upon their completion.

Grant of  
\$10,000 to  
Beck  
Memorial  
Fund.

6. The grant of \$10,000 made by the Toronto Transportation Commission to the Beck Memorial Fund for the Queen Alexandra Sanatorium is hereby validated and confirmed, and the Toronto Electric Commissioners are hereby authorized to make a grant of \$10,000 to the said fund.

Commence-  
ment of  
Act

7. This Act shall come into force on the day upon which it receives the Royal Assent.

## CHAPTER 100.

## An Act respecting the City of Toronto.

*Assented to 8th April, 1926.*

**W**HEREAS the corporation of the city of Toronto has <sup>Preamble.</sup>  
by petition represented that a large portion of the said city, known as Toronto Island, is separated from the mainland of the said city by the waters of Toronto Bay, and that a large number of the citizens of Toronto reside on the said Island, and that the said corporation has provided and maintains parks upon the said Island which are used by great numbers of people, especially during the summer months, and that the persons requiring to pass to or from the said Island are dependent for transportation between the mainland and said Island upon the ferry operated by the Toronto Ferry Company, Limited, and that it is desirable in order that transportation should be better assured to such persons, that the corporation of the city of Toronto should be authorized to own and operate ferries to provide such transportation;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The corporation of the city of Toronto may acquire, equip, own, control and operate vessels for transporting passengers and freight across the waters of Toronto Bay from or to any point or points on the mainland of the city of Toronto or on Toronto Island, and may acquire, lease, construct, equip, maintain and operate all wharves, docks, offices, and other buildings or erections required for, or in connection with, the proper operation of such vessels and may acquire or lease any land required for the purposes aforesaid, and may dispose of all or any part of any real or personal property acquired under the provisions of this Act when same may be no longer required by the said corporation. <sup>Authority to operate ferry to or from Toronto Island.</sup>

2. The said corporation shall fix and collect such tolls and fares for the transportation of passengers and freight on said vessels as will provide sufficient revenue to make the transportation facilities provided for by this Act self-sustaining, after providing for all necessary maintenance, renewals, depreciation and debt charges. <sup>Tolls and fares to be fixed.</sup>

May entrust  
undertaking  
to other  
parties on  
conditions.

**3.** The said corporation may from time to time pass such by-laws and enter into such agreements as may be necessary to entrust the control, maintenance, operation and management of any vessels, wharves, docks, or other property acquired by the corporation under the provisions of this Act, to any person or corporation for such period of time and upon such conditions as may be set out in such by-law or agreement, and from and after the passing of such a by-law or the making of such an agreement, such person or corporation shall have and may exercise the powers of control, maintenance, operation and management conferred upon the said corporation by this Act, subject to the provisions of such by-law or agreement.

Assent of  
electors not  
required.

**4.** The said corporation may, without the assent of the electors qualified to vote on money by-laws, pass a by-law or by-laws to provide for the issue of debentures to raise any sum required for the purchase of vessels or property or the construction of vessels, buildings or other erections under the provisions of this Act.

Commence-  
ment of Act.

**5.** This Act shall come into force on the day upon which it receives the Royal Assent.



## CHAPTER 101.

## An Act respecting the City of Toronto.

*Assented to 8th April, 1926.*

**W**HEREAS the corporation of the city of Toronto has Preamble.  
 by petition prayed for special legislation in respect to  
 the matters hereinafter set forth; and whereas it is expedient  
 to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent  
 of the Legislative Assembly of the Province of Ontario, enacts  
 as follows:—

**1.** The council of the corporation of the city of Toronto Power to borrow money without assent of electors for certain purposes.  
 may, without submitting the same to the electors qualified to  
 vote on money by-laws, pass a by-law or by-laws for the issue  
 of debentures to raise the sum of \$298,575 for the following  
 purposes, namely,—

St. Michael's Hospital, building grant.....	\$150,000
Hospital for Sick Children, grant for building extension and establishment of conva- lescent home.....	100,000
Extension of sewers in connection with water- front development.....	48,575
	<hr/>
	\$298,575

**2.** The council of the said corporation may make a grant Power to grant \$5,000 for statue of Edward Hanlan.  
 of \$5,000 to a fund for the erection in Exhibition Park, Toronto,  
 of a statue in honour of the late Edward Hanlan.

**3.** The council of the said corporation may make a grant Power to grant additional \$5,000 to Art Gallery of Toronto.  
 of \$5,000 to the Art Gallery of Toronto, for the maintenance  
 and upkeep of the gallery, in addition to the annual grant of  
 \$5,000 authorized by the provisions of subsection 2 of section  
 3 of the Act passed in the first year of the reign of His  
 Majesty, King George the Fifth, chapter 119.

**4.** This Act shall come into force on the day upon which Commence-  
ment of  
Act.  
 it receives the Royal Assent.

## CHAPTER 102.

## An Act respecting the widening of Bloor Street in the City of Toronto.

*Assented to 8th April, 1926*

## Preamble.

**W**HEREAS the corporation of the city of Toronto did on the 28th day of November, 1922, pass By-law No. 9416 relating to the widening of Bloor Street; and whereas the said corporation is desirous of repealing the said by-law and for such purpose obtained leave so to do from the Ontario Railway and Municipal Board pursuant to the provisions of section 325a of *The Consolidated Municipal Act, 1922*; and whereas on an appeal to an Appellate Division of the Supreme Court of Ontario the said leave was set aside; and whereas the said corporation desires to appeal from the judgment of the said Appellate Division setting aside the said leave and in order to do so requires an extension of the time for entry upon the lands to be taken under the said by-law;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

## Short title.

**1.** This Act may be cited as *The Bloor Street Widening Act, 1926*.

## Power to extend time for entry under By-law 9416.

**2.** Notwithstanding anything contained in *The Consolidated Municipal Act, 1922*, the corporation of the city of Toronto may amend By-law No. 9416 passed by the council of the said corporation being entitled "A by-law to authorize the widening of Bloor Street from Sherbourne Street to Spadina Road, under section 325a of *The Consolidated Municipal Act, 1922*, and to take land necessary therefor," so as further to defer for a period not exceeding twelve months, the date fixed in the said by-law for entry upon the lands proposed to be taken thereunder.

## Matters consequent on amendment of by-law.

**3.** In case the said corporation shall amend the said By-law No. 9416,—

(a) it shall be deemed to have obligated itself to pay all costs as between solicitor and client of any application

for

for leave to appeal and of any appeal to the Supreme Court of Canada or to His Majesty's Privy Council, from the judgment of the Appellate Division of the Supreme Court of Ontario, provided, however, that such costs shall be payable only to parties represented at the hearing before the Ontario Railway and Municipal Board and the said Appellate Division; and,

- (b) the said corporation shall, in addition to any compensation payable under the provisions of the said section 325a, pay further compensation for the damages, if any, sustained in consequence of the extension of the time for such entry, such damages to include, *inter alia*, interest during the period of time extended by such amendment on the amount of compensation determined under the said section 325a and such further compensation, if not agreed upon, shall be determined by the board of arbitrators pursuant to and in the manner provided by the provisions of the said section 325a.

4. In case the said corporation is successful in an appeal to the Supreme Court of Canada or to His Majesty's Privy Council, and in consequence thereof repeals the said by-law, then, notwithstanding anything contained in the said section 325a, the land taken shall not be revested in the original owner except upon his consent where such owner has erected a building on or in conformity with the proposed new line of the street after the passing of such by-law, but if the original owner does not within three months after the repeal of such by-law consent to such land being revested in him, it shall remain the property of the said corporation and shall be deemed to form part of the said Bloor Street and shall not be used by the said corporation otherwise than for the purpose of a highway, and the said owner shall be entitled to compensation therefor to the same extent as he would have been if such by-law had not been repealed and shall also be entitled to be paid further compensation for damages sustained by reason of his building having been so erected, and such further compensation, if not agreed upon, shall be determined by the board of arbitrators pursuant to and in the manner provided by the provisions of the said section 325a.

Matters consequent on repeal of by-law in consequence of successful appeal.

5. This Act shall come into force on the day upon which it receives the Royal Assent.

Commencement of Act.



## CHAPTER 103.

## An Act respecting the Town of Walkerville.

*Assented to 8th April, 1926.*

## Preamble.

**W**HEREAS the corporation of the town of Walkerville has by its petition represented that the council of the corporation was authorized by section 7 of chapter 134 of the Acts passed in the 12th and 13th years of the reign of His Majesty King George the Fifth to issue a series of debentures during the years 1922 to 1936 to meet certain temporary deficits of the Walkerville Housing Commission and that it is desirable that the said debentures be issued at the end of certain periods of years instead of annually and that it is desirable that By-law No. 1114, passed by the corporation of the town of Walkerville, authorizing the issue of debentures in the sum of Nine Thousand Dollars (\$9,000) to pay for the cost of certain improvements in the main sewers made necessary by the growth of the population of the said town be validated; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

## Short title:

**1.** This Act may be cited as *The Town of Walkerville Act, 1926.*

1923, c. 134,  
s. 7,  
repealed.

**2.** Section 7 of chapter 134 of the Acts passed in the 12th and 13th years of the reign of His Majesty King George the Fifth shall be and the same is hereby repealed and the following substituted therefor,—

Power  
to borrow  
money and  
issue  
debentures  
for Housing  
Commission  
deficits on  
certain  
conditions.

**7.** The council of the corporation of the town of Walkerville may with the approval of the director of the bureau of municipal affairs agree for temporary advances and may pass by-laws to borrow money by the issue of debentures without the assent of the electors qualified to vote on money by-laws to provide for the accumulated deficit between the income derived from the sale of houses by the

Housing Commission of the town of Walkerville and the necessary outgoings in respect thereof until the year 1936 and at the end of any three-year period may so pass by-laws and borrow money by the issue of debentures for the purpose of meeting similar future deficits; provided, however, that the said debentures shall be payable in, as nearly as may be, equal annual installments of combined interest and principal and the last installment shall fall due not later than the year 1941. The debentures may bear such rate of interest as the council of the corporation may determine.

3. By-law No. 1114 of the corporation of the town of Walkerville, passed on the 23rd day of December, 1925, entitled "A by-law to raise the sum of Nine Thousand Dollars (\$9,000.00) by the issue of debentures for the purpose of paying for the cost of constructing certain sewers for the purpose of relieving the main sewers of Walkerville" as set forth as Schedule "A" to this Act and the debentures to be issued thereunder are hereby ratified and confirmed and are declared to be legal, valid and binding upon the said corporation and the ratepayers thereof.

By-law  
No. 1114  
confirmed.

4. This Act shall come into force on the day upon which it receives the Royal Assent.

Commence-  
ment of  
Act.

## SCHEDULE "A."

### BY-LAW No. 1114.

#### OF THE

### TOWN OF WALKERVILLE.

A By-law to raise the sum of Nine Thousand Dollars (\$9,000.00) by the issue of debentures for the purpose of paying for the cost of constructing certain sewers for the purpose of relieving the main sewers in the Town of Walkerville.

Whereas owing to the increase of population in certain districts of the Town of Walkerville it has become necessary to equalize the flow in the main sewers and to construct cross sewers for that purpose.

And whereas the cost of the same is the sum of Nine Thousand Dollars (\$9,000.00).

And whereas it is deemed necessary to raise by way of loan the said sum of money for the said purpose upon debentures to be issued therefor and to authorize the Mayor of the Town of Walkerville to issue debentures as aforesaid.

And whereas it is deemed expedient to make the debentures so to be issued to mature and the loan effected thereon payable by annual installments within ten years from the date of such debentures and to fix the rate of interest to be paid upon the said loan at five per centum per annum.

And

And whereas it will require the sum of Eleven Hundred, Sixty-five Dollars and Fifty-four Cents (\$1,165.54) to be raised annually during the said period of ten years by a special rate sufficient therefor, over and above and in addition to all other rates, upon all the rateable property of the Municipality for the payment of the debt thus to be created and the interest thereon at the rate aforesaid.

And whereas the amount of the whole rateable property of the Municipality according to the last revised assessment roll thereof being roll made in the year 1925, is \$13,063,562.00, and the amount of the existing debenture debt of the Municipality exclusive of local improvement debts secured by special rates and assessments is \$502,441.86, no part of which debt nor the interest thereon is due or in arrears.

Therefore the Corporation of the Town of Walkerville, by the Council thereof, enacts as follows:—

1. That for the purpose aforesaid there shall be borrowed on the credit of the Corporation at large the sum of Nine Thousand Dollars (\$9,000.00) and debentures shall be issued therefor in sums of not less than Fifty Dollars (\$50.00) each, bearing interest at the rate of five per cent. per annum, and having coupons attached thereto for the payment of the interest annually.

2. The debentures shall all be dated as of the 14th day of December, 1925, and shall be payable in ten equal annual instalments of principal and interest on the 14th day of December in each of the years 1926 to 1935 inclusive and the respective amounts of principal and interest payable in each of such years shall be as follows:—

No.	Principal	Interest	Total
1.....	\$715 54	\$450 00	\$1,165 54
2.....	751 32	414 22	1,165 54
3.....	788 89	376 65	1,165 54
4.....	828 33	337 21	1,165 54
5.....	869 75	295 79	1,165 54
6.....	913 24	252 30	1,165 54
7.....	958 89	206 65	1,165 54
8.....	1,006 83	158 71	1,165 54
9.....	1,057 17	108 37	1,165 54
10.....	1,110 04	55 50	1,165 54

3. That the debentures as to both principal and interest may be expressed in Canadian currency and may be payable at the office of the Canadian Bank of Commerce, Walkerville branch.

4. That the Mayor of the Corporation shall sign and issue the said debentures and shall issue the interest coupons and the debentures and coupons shall be signed by the Treasurer of the Corporation and the debentures shall be sealed with the seal of the Corporation.

5. That during the ten years the currency of the said debentures \$1,165.54 shall be raised annually for the payment of the debt and the interest thereon by a special rate sufficient therefor over and above and in addition to all other rates upon all the rateable property of the Municipality at the same time, and in the same manner and upon the same conditions as to penalty as other rates.

6. That the debentures may contain any clause providing for the registration thereof authorized by any Statute relating to Municipal debentures in force at the time of the issue thereof.

7. That this By-law shall come into force and effect upon the final passing thereof.

Read first time, December 23rd, 1925.

Read second time, December 23rd, 1925.

Read third time, December 23rd, 1925.

(Sgd.) R. CALDERWOOD,  
Mayor.

(Sgd.) A. E. COCK,  
Clerk.



## CHAPTER 104.

## An Act respecting the Village of Waterford.

*Assented to 8th April, 1926.*

**W**HEREAS the corporation of the village of Waterford <sup>Preamble.</sup> has by its petition represented that the Provincial Board of Health of the Province of Ontario has reported in writing that it is of the opinion that it is necessary in the interest of the public health that a waterworks system should be established in the said village of Waterford pursuant to the provisions of *The Public Health Act*; and whereas plans and specifications of the said works were duly submitted to the Provincial Board of Health of the Province of Ontario and were duly approved and such approval certified under the hand of the chairman and secretary of the said board pursuant to *The Public Health Act*; that the said village of Waterford has constructed a waterworks system in the said municipality; and whereas the said village of Waterford has passed its By-law No. 259, set out in Schedule "1," hereto, to provide for the issue of debentures in the sum of \$66,809.23 to pay for the construction and establishment of said waterworks system and watermains for the said village of Waterford and has prayed that said by-law and the debentures to be issued and the assessments to be made thereunder and the rates to be levied for the payment of the said debentures be validated and confirmed; and whereas it is desirable to equalize the payment of the cost of the watermains hereafter constructed and of extensions of said waterworks system by assessing properties abutting thereon an equal annual rate of five cents per foot frontage; and whereas it is expedient to grant the prayer of the said petition:

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Village of Waterford Act*, Short title, 1926.

2. The construction of the waterworks system of the village of Waterford and all acts, matters and things done in connection therewith are hereby ratified, validated and confirmed.

firmed

firmed and declared to be legal and binding upon the municipality.

By-law  
No. 259,  
confirmed.

3. By-law No. 259 of the corporation of the village of Waterford, set out in Schedule "1" to this Act, "To provide for the issue of debentures to the sum of \$66,809.23 to pay for the construction and establishment of a waterworks system and watermains in the said village of Waterford," and all debentures issued or to be issued thereunder and assessments made or to be made for the payment of the said debentures are hereby validated and confirmed and declared to be binding upon the said corporation and the ratepayers thereof.

Authority to  
construct  
extensions  
and im-  
provements.

4. The municipal council of the corporation of the village of Waterford may construct extensions and improvements to the said system as local improvement works under the provisions of *The Local Improvement Act* and may levy therefor a special frontage rate of five cents per foot upon the several lands, lots or parts of lots, whether occupied or vacant, fronting or abutting upon all streets, lanes or alleys in the municipality upon which watermains may hereafter be laid and may vary such rate from time to time with the approval of the Ontario Railway and Municipal Board and may levy a special rate to provide the balance of the cost of such extensions or improvements upon all the rateable property in the municipality.

Commence-  
ment of  
Act.

5. This Act shall come into force on the day upon which it receives the Royal Assent.

## SCHEDULE "1"

## BY-LAW NUMBER 259

## OF THE CORPORATION OF THE VILLAGE OF WATERFORD.

To provide for the issue of debentures in the sum of \$66,809.23 to pay for the construction and establishment of a waterworks system and watermains in the said Village of Waterford.

Whereas the Provincial Board of Health of the Province of Ontario has reported in writing that it is of opinion that it is necessary in the interest of the public health that a waterworks system should be established in the said Village of Waterford, pursuant to the provisions of the *Public Health Act*;

And whereas a waterworks system and watermains have been constructed and established accordingly, pursuant to plans and specifications which were duly submitted to the Provincial Board of Health of the Province of Ontario and were duly approved and such approval certified under the hand of the Chairman and Secretary of the said Board, pursuant to *The Public Health Act*;

And whereas the estimated lifetime of the said work is twenty years;

And whereas the total cost of the said work is \$66,809.23, of which \$51,704.23 is the Corporation's portion of the cost and \$15,105.00 is the owners' portion of the cost, for which special assessment rolls have been duly made and certified.

And whereas it is necessary to borrow the said sum of \$66,809.23 on the credit of the Corporation and to issue debentures therefor bearing interest at the rate of five per cent. (5%) per annum, which is the amount of the debt intended to be created by this by-law;

And whereas it is expedient to make the principal of the said debt repayable in yearly sums during the period of twenty years of such amounts respectively that the aggregate amount payable for principal and interest in any year shall be equal as nearly as may be to the amount so payable for principal and interest in each of the other years;

And whereas it will be necessary to raise annually the sum of \$5,360.95 during the period of twenty years to pay the said yearly sums of principal and interest as they become due, of which \$4,148.85 is required to pay the Corporation's portion of the cost and the interest thereon and \$1,212.10 is required to pay the owners' portion of the cost and the interest thereon;

And whereas the amount of the whole rateable property of the municipality, according to the last revised assessment roll, is \$780,515.00;

And whereas the amount of the existing debenture debt of the said Corporation is \$15,588.12, of which no amount of principal or interest is in arrears;

And whereas it is desirable that a uniform special rate of five cents (5c.) per foot frontage be levied upon all the real property fronting upon the said work.

Therefore the Municipal Council of the Corporation of the Village of Waterford enacts as follows:—

1. For the purposes aforesaid there shall be borrowed on the credit of the Corporation at large the sum of sixty-six thousand, eight hundred and nine dollars and twenty-three cents (\$66,809.23) and debentures shall be issued therefor in sums of not less than fifty dollars (\$50.00) each. The debentures shall all bear the same date and shall be issued within two years after the date on which this by-law is passed, and may bear any date

within



within such two years, and shall be payable in twenty annual instalments during the twenty years next after the time when the same are issued. The debentures shall bear interest at five per cent. *pe annum*, payable yearly and there shall be attached thereto coupons for the payment of the said interest, and the respective amounts of principal and interest payable in each year shall be the sums set forth in the schedule attached to this by-law as Schedule "A."

2. The debentures as to both principal and interest may be expressed in Canadian currency or in sterling money of Great Britain at the rate of one pound sterling money for each four dollars and eighty-six and two-third cents, and may be payable at any place or places in Canada or Great Britain.

3. The Reeve of the Corporation shall sign the debentures and the same shall also be signed by the Treasurer of the Corporation, and shall be sealed with the seal of the Corporation, and the interest coupons shall be signed by the Treasurer of the Corporation only. It shall be sufficient if the facsimile signature of the Treasurer be printed upon said coupons.

4. During twenty years, the currency of the debentures, there shall be raised annually for the payment of the owners' portion of the cost, and the interest thereon, the sum of Twelve Hundred and Twelve 10/100 Dollars (\$1,212.10) and for the payment of the Corporation's portion of the cost and the interest thereon, the sum of Forty-one Hundred and Forty-eight 85/100 Dollars (\$4,148.85), making all the sum of Fifty-three Hundred and Sixty 95/100 Dollars (\$5,360.95) to be raised annually during the period of twenty years for the payment of the said debt and interest as follows:

For the payment of the owners' portion of the cost of the said works, respectively, and the interest thereon, the special assessments set forth in the special assessment rolls respectively, in the recitals mentioned, are hereby imposed upon the lands liable therefor, respectively, as therein set forth; which said special assessment with sums sufficient respectively, to cover interest thereon at the rate aforesaid, shall be payable in twenty equal annual instalments of an aggregate sum of Twelve Hundred and Twelve 10/100 Dollars (\$1,212.10) each, and for that purpose a special rate per foot frontage of five cents per foot, in respect of the said work herein mentioned is hereby imposed upon the lots entered in the said special assessment roll, in respect of the said work for which said lots are respectively liable to assessment according to the assessed frontage thereof, over and above all other rates and taxes, and the said special rates shall be collected annually by the Collector of taxes for the Corporation, at the same time and in the same manner as other rates.

For the payment of the Corporation's portion of the cost and interest thereon the said sum of \$4,148.85 shall be levied and raised annually by a special rate sufficient therefor over and above all other rates, on all the rateable property in the municipality, at the same time and in the same manner as other rates.

5. The debentures may contain any clause providing for the registration thereof, authorized by any statute relating to Municipal debentures in force at the time of the issue thereof;

6. If at any time the owner of any of the said property hereby assessed or of any part thereof, shall desire to commute the assessment hereby imposed upon this said property by the payment of a principal sum in lieu thereof, he may so commute by the payment to the Treasurer of the present value of the remaining special rate hereby authorized to be levied in respect of the said property, the present value to be calculated on an interest basis of four per cent. *per annum*.

7. The amount of the loan authorized by this by-law may be consolidated with the amount of any loans authorized by other local improvement by-laws, by including the same with such other loans in a consolidating by-law authorizing the borrowing of the aggregate thereof as one loan, and the issue of debentures for such loans in one consolidated issue, pursuant to the statute in that behalf.

8. The said Reeve and Treasurer may cause the said debentures or a sufficient amount thereof to be sold or hypothecated for loans to the said Village of Waterford or may authorize the said debentures or any portion thereof to be purchased or taken as and for a temporary or permanent investment of the sinking fund of the municipality and the proceeds thereof, after providing for the discount, if any, and the expense of negotiation and sale thereof shall be applied for the purpose for which said debentures are issued and no other.

9. This by-law shall take effect on the day of the final passing thereof.

Passed this 19th day of January, A.D. 1926.

(Signed) E. C. SHEPHERD,  
*Reeve.*

(Signed) D. A. HILL,  
*Clerk.*

I hereby certify that the foregoing is a true and correct copy of By-law Number 259 of the Corporation of the Village of Waterford.

Finally passed on the Nineteenth day of January, A.D. 1926.

(Seal)

D. A. HILL,  
*Clerk.*

#### SCHEDULE "A."

Showing the respective amounts as to principal and interest payable in each year on said debentures:—

No.	Interest.	Principal	Total
1	\$3,340 46	\$2,020 49	\$5,360 95
2	3,239 46	2,121 51	5,360 95
3	3,133 36	2,227 59	5,360 95
4	3,021 98	2,338 97	5,360 95
5	2,905 03	2,455 92	5,360 95
6	2,782 24	2,578 71	5,360 95
7	2,653 30	2,707 65	5,360 95
8	2,517 92	2,843 03	5,360 95
9	2,375 77	2,985 18	5,360 95
10	2,226 51	3,134 44	5,360 95
11	2,069 79	3,291 16	5,360 95
12	1,905 23	3,455 72	5,360 95
13	1,732 44	3,628 51	5,360 95
14	1,551 02	3,809 93	5,360 95
15	1,360 52	4,000 43	5,360 95
16	1,160 50	4,200 45	5,360 95
17	950 48	4,410 47	5,360 95
18	729 95	4,631 00	5,360 95
19	498 40	4,862 55	5,360 95
20	255 28	5,105 67	5,360 95
		66,809 23	

## CHAPTER 105.

An Act respecting the Town of Weston, the Town-  
ship of York and the Toronto Transportation  
Commission.

*Assented to 8th April, 1926.*

**Preamble.**

**W**HEREAS the corporation of the town of Weston has by its petition prayed for special legislation in regard to the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**Short title**

**1.** This Act may be cited as *The Weston and York Transportation Act, 1926.*

**Agreement confirmed.**

**2.—(1)** Subject to the provisions hereinafter contained the agreement made between the corporation of the town of Weston, the corporation of the township of York, and the Toronto Transportation Commission, dated the 26th day of October, 1925, set forth in schedule "A" to this Act is hereby ratified and confirmed and declared to be legal, valid and binding upon the parties thereto and the said parties are hereby empowered to carry out their respective obligations and exercise their respective privileges thereunder.

**Taxicabs in Town of Weston and Township of York not prohibited.**

**(2)** Nothing contained in the said agreement shall be deemed to confer upon the parties thereto the right to prevent the operation, within the town of Weston or the township of York, of motor cars not running on any fixed route or schedule but hired for special trips only and commonly known as "taxicabs."

**Power to make limited expenditures without assent of electors.**

**3.** The council of the said corporation of the town of Weston may make such capital expenditures in the town of Weston, in addition to the original cost of the street railway, as may be required pursuant to the provisions of paragraphs 15 and 16 of the said agreement and may from time to time, without submitting same to the electors entitled to vote on

money



money by-laws, pass a by-law or by-laws to authorize the issue of debentures for the sum or sums required for such capital expenditure or expenditures in the town of Weston, in addition to the original cost of the street railway, as the parties to the said agreement may agree is or are necessary, or which, in default of agreement the Ontario Railway and Municipal Board may decide is or are necessary to the efficient operation of the street railway in the town of Weston, provided, however, in any case, any such contemplated expenditure or expenditures shall be subject to the approval of the Ontario Railway and Municipal Board, and provided further that when the total amount of such expenditures shall have reached the sum of thirty-five thousand dollars (\$35,000), (exclusive of the original cost of said street railway), no further such expenditure shall be made without being submitted to and receiving the assent of the electors entitled to vote on money by-laws.

4. The council of the corporation of the township of York may expend money for the purpose of defraying the cost of the expenditures which may be made pursuant to the provisions of paragraphs 15 and 16 of the said agreement and for such purpose may from time to time, without submitting the same to the electors qualified to vote on money by-laws, pass a by-law or by-laws to authorize the issue of debentures for such sums as may be required for the purpose aforesaid. Such debentures may be issued in the same manner and subject to the same terms and provisions as the debentures issued to meet the original cost of the street railway, as provided in *An Act respecting the Township of York*, passed in 1925 and chaptered 121.

Authority  
to issue  
debentures  
without  
assent of  
electors.

5. All claims, actions and demands arising from or relating to alleged negligence in the operation of "the street railways," as defined in the said agreement, operated by the Toronto Transportation Commission upon behalf of the said corporations under the provisions of the said agreement, shall be made upon and brought against the said Commission and not upon or against the corporation of the town of Weston and/or the corporation of the Township of York.

Corporation  
not liable for  
negligent  
operation  
of street  
railway.

6. The Ontario Railway and Municipal Board shall have and exercise the jurisdiction conferred upon it by the said agreement.

Jurisdiction  
of Ontario  
Railway and  
Municipal  
Board.

7—(1) Notwithstanding anything in *The Public Vehicle Act*, 1923, or any amendment thereto a public vehicle as defined in the said Act shall not take up any passenger in any of the following areas,—

Public  
vehicles  
prohibited  
from operat-  
ing in cer-  
tain areas.

(a) The town of Weston;

(b)

(b) Any district in the township of York liable to assessment for the cost of the said street railway, or

(c) Ward seven in the city of Toronto,

and discharge such passenger in the same area or in any other of such areas, but such public vehicle may take up a passenger in any of the said areas and discharge such passenger outside of all of such areas and may discharge in any of such areas a passenger taken up outside of all of such areas.

**Penalty.**

(2) Any person who violates the provisions of subsection 1 shall incur a penalty not exceeding \$20 for each offence recoverable under *The Ontario Summary Convictions Act*.

**Certain streets excepted.**

(3) Nothing in the said agreement or in subsection 1 of this section shall prevent a public vehicle from taking up or discharging a passenger on Lambton avenue west of Rockcliffe boulevard.

**Jurisdiction of Ontario Railway and Municipal Board.**

8. The Ontario Railway and Municipal Board shall have jurisdiction to hear and determine and shall hear and determine any application provided for by this Act.

**Commencement of Act.**

9. This Act shall come into force on the day upon which it receives the Royal Assent.

## SCHEDULE "A"

Agreement made in triplicate the twenty-sixth day of October, 1925.

**BETWEEN:**

THE CORPORATION OF THE TOWN OF WESTON,  
hereinafter called the "Town,"

of the first part,

—and—

THE CORPORATION OF THE TOWNSHIP OF YORK,  
hereinafter called the "Township,"

of the second part,

—and—

THE TORONTO TRANSPORTATION COMMISSION,  
hereinafter called the "Commission,"

of the third part.

Whereas the Toronto Suburban Railway owns and operates, pursuant to certain franchise agreements, a street railway on Weston Road, from the northerly limits of the Town to the southerly limits of the Township upon such highway.

And whereas, by statutes of the Province of Ontario, 15 Geo. V, Chapter 115, and 15 Geo. V, Chapter 121, Section 2, the Town and the Township respectively were authorized and empowered to purchase the said street railway within their respective municipal limits.

And whereas, both the Town and Township intend to purchase from the Toronto Suburban Railway those portions of the said street railway upon the Weston Road within their respective municipal limits.

And whereas, by statute of the Province of Ontario, 12 and 13 Geo. V, Chapter 139, Section 4, as amended by 14 Geo. V, Chapter 140, the Township is given certain powers to construct, equip, maintain and operate street railways.

And whereas, by the statutes above referred to, the Town and the Township were respectively authorized and empowered to enter into agreements with the Commission for the operation by it of any street railways of their respective corporations, for such period and on such terms and conditions as might be deemed proper by the parties thereto.

And whereas, the said Commission has been requested by the Town and the Township respectively to operate the said portions of the said railway upon the Weston Road on their behalf when purchased and has agreed to do so upon the terms and conditions hereinafter set forth.

And whereas, by By-law No. 362 of the Town, passed on the 12th day of October, 1925, a certified copy of which is attached hereto and which said by-law has received the approval of the electors of the Town, the Town has authorized the execution and delivery of these presents.

And whereas, by By-law No. 8241 of the Township, passed on the 4th day of November, 1925, a certified copy of which is attached hereto, the Township has authorized the execution and delivery of these presents.

Now therefore this indenture witnesseth that the parties hereto have agreed as follows:

1. The term "the street railways" where used in this agreement shall, unless the context requires a different meaning, mean the street railway upon the Weston Road from the south limits of the Township to a point to be agreed on between the subway of the Canadian National Railways and Humber Street in the said Town and any future extension thereof or addition thereto within the Town or within the district in the Township which may be assessed for the cost thereof, whether such extension or addition is by street railway, motor bus or other vehicle.

The term "Board" shall mean the Ontario Railway and Municipal Board.

The term "the Corporations" shall mean the Town and the Township.

The term "cars" or "rolling stock" shall, unless the context requires a different meaning, include buses or other vehicles.

2. In consideration of their mutual covenants herein contained the Corporations hereby agree that all rights, privileges, obligations or duties conferred or imposed by the franchise agreements with the Toronto Suburban Railway hereinbefore referred to are terminated upon the purchase of the said Railway by the said Corporations, and that neither corporation shall be considered as the successor or assign of the Toronto Suburban Railway in respect of any of such rights, privileges, obligations or duties.

3. The Commission will, provided the terms and conditions hereinafter set out are fulfilled, operate the street railways on the terms and conditions and for the period hereinafter set out, provided always that under no circumstances is the Commission or the Corporation of the City of Toronto to be at any cost or expense or to incur any liability by reason of such operation.

4. The Township covenants and agrees that within six months from the date hereof or within such further period as the parties hereto may agree or the Board may order, it will have purchased the street railway upon the Weston Road within its limits and will have the same rehabilitated or constructed and ready for operation by the Commission, such rehabilitation



or construction to be according to plans and specifications prepared by and furnished by the Commission at the cost of the Township and to be under the entire supervision of the Commission, any charge for such supervision not to exceed one per cent. of the cost of such rehabilitation or construction. Provided, however, that the Township may, through its own engineer, give such additional supervision and inspection of the said work as it may desire, the Commission agreeing that upon receipt of any report from the engineer of the Township that the said work is not being carried out in accordance with the said plans and specifications it will forthwith take such action as may be necessary to effect a compliance with the said plans and specifications.

5. Should the Township make default in carrying out the provisions of the next preceding paragraph, the Commission may forthwith terminate this agreement and the Township shall pay to it on demand any actual loss or damage which it may have sustained by reason of its having entered into the same or by reason of such termination thereof.

6. The Town covenants and agrees that within the period named in paragraph 4 above it will have purchased the street railway on Weston Road within its limits and changed the gauge thereof under the supervision of and in a manner satisfactory to the Commission, to conform with the gauge of the Commission's other lines, namely, to a width of four feet, ten and seven-eighths inches ( $4' 10 \frac{7}{8}''$ ). Should the Town make default under this paragraph the Commission may forthwith terminate this agreement and the Town shall pay to it on demand any actual loss or damage which it may have sustained by reason of its having entered into the same or by reason of such termination thereof.

7. No street railway or any extension thereof shall be constructed or acquired by the Town during the term of this agreement unless with the consent of the Commission and unless, in the case of the construction or rehabilitation of a street railway, or any portion or extension thereof, the approval of the Commission as to location, grade, track gauge, manner of construction and materials to be used in such construction is obtained.

8. The Corporations will, during the term of this agreement at the request of the Commission take all means within their respective powers to ensure to the Commission the exclusive right of furnishing in any manner whatsoever local transportation within the Town or within the district in the Township which may be assessed for the cost of the street railways, and in particular will pass and enforce such by-laws as either Corporation may from time to time legally pass, to prevent the operation of busses or jitneys where and when the Commission deems such to be in competition with the street railways. Provided that this section is not intended to prevent the operation by the Commission for the Corporations or either of them of a motor coach or bus service or any other special service upon special terms to be arranged, if in the opinion of the Commission such service is justifiable, having regard to the interests of the street railways. Should any such service be instituted by the Commission on behalf of the Town, no stops for the purpose of taking on or letting down passengers shall be made within the Township without the consent of both Corporations.

9. The Corporations respectively agree to pass such by-laws as they may from time to time legally pass to prevent unnecessary obstruction of their street cars by other vehicles and to give such street cars a right-of-way at street intersections over other vehicles.

10. The Corporations respectively agree to make no agreement or arrangement with, and to grant no bonus, license or inducement to any other railway, street railway or transportation company (limited as to the Township to any district which may be assessed for the cost of the street railways) without the written consent of the Commission. Provided that this clause shall not be deemed to apply to agreements or arrangements with owners or operators of a steam or electric railway for non-local service on a private right-of-way.

11. The Commission agrees that it will not operate any service other than is contemplated by this agreement, within the Town or within the district of the Township which may be assessed for the cost of the street railways, which, in its opinion, or in the opinion of the Board, prejudicially affects the street railways, provided that this clause shall not be construed to interfere with the operation by the Commission from time to time of busses, coaches or other vehicles for sightseeing, excursion or other non-competitive purposes.

12. The Corporations agree to have furnished on streets on which the street railways operate adequate street lighting on each side thereof, and, in all cases where the track allowance occupies the centre of the highway, to provide a sufficient width of travelling roadway on either side to permit a vehicle to pass between the street car and curb or gutter.

13. Any debentures issued, either by the Town or Township, to meet the cost of the acquisition, rehabilitation or construction of the street railways shall be serial debentures payable within a term not exceeding twenty years.

14. The cost of construction, acquisition or rehabilitation of the street railways shall in no case be deemed to include:

(a) The cost of providing rights-of-way for such railways (other than the cost of land required for the purpose of terminal loops), and specifically land or property damages in connection with any street opening or widening;

(b) Any subway, bridge, culvert or retaining wall;

(c) Subject to Clause 33 the laying or renewal of any pavement.

15. The cost of construction of the street railways shall also include the cost of any land, track, buildings, rolling stock or equipment, or other capital expenditure, in addition to the original cost of such street railways, which the parties may from time to time agree is necessary or which, in default of agreement, the Board may decide is necessary to the efficient operation of any such street railways, provided however that in any case any such contemplated expenditures shall be subject to the approval of the Board.

16. The Town (subject to the proviso hereinafter in this paragraph contained) or Township, as the case may be, shall, within three months from the approval of any such expenditures by the said Board, furnish the Commission with the necessary monies therefor as required, and the parties hereto hereby agree to join in an application to the Legislature of the Province of Ontario for legislation permitting either Corporation to pass by-laws from time to time providing for the issuance of debentures for any such capital expenditures as are approved by the Board without submitting the same to a vote of the qualified electors. Provided that in case of the Town, when the total amount of such expenditures shall have reached the sum of Thirty-five thousand dollars no further such expenditure shall be made without being submitted to the electors as aforesaid.

17. If the Township and the Commission at any time agree that it is necessary, for the proper and efficient operation by the Commission of the street railways, to construct a connection between such street railways and the Commission's system within the City of Toronto, the Commission may construct or have constructed such connection.

18. The cost of construction of such connection within the limits of the Township shall be borne by and such connection shall belong to the Township and the cost of construction of the whole or any portion of such connection within the City of Toronto shall be borne equally by the Town and the Township. Neither corporation shall have any right or claim to or interest in any part of any such connection constructed within the limits of the City of Toronto.

19. The cost of construction of such connection within the limits of the said City shall be deemed to include everything incidental to such con-



struction, and unless such construction is done by contract there shall be included in such costs a proper percentage charge for the expenses of general engineering and supervision.

20. It is agreed between the parties hereto that a connection between the street railway of the Township and the Commission on Weston Road at or near Northlands Avenue is necessary for the proper and efficient operation by the Commission of the street railways.

21. The Commission shall have the sole management of the street railways, including the routes to be operated and the service to be given, shall arrange for all cars, crews and equipment necessary for the operation thereof, and shall (subject to paragraph (22) hereof) maintain and repair all parts of such street railways and the paving of the track allowance therefor which shall include the space between the outer rails and sixteen inches outside of the gauge side of each of the said outside rails.

22. The cost of and incidental to the repair and maintenance of such track allowance paving, other than the cost of any repairs rendered necessary by reason of the repair or replacement of the tracks and track structures, shall not be charged against street railway operation, but shall be borne by the Town or Township as the case may be and shall be paid by it to the Commission forthwith upon demand.

23. When the Town or Township, as the case may be, desires to carry out any municipal work under, or which may in any way affect, the street railways, it shall, except in cases of emergency, give the Commission reasonable notice thereof, and shall bear the full cost of repairing or replacing any part of such street railways injured or destroyed by the carrying out of such work.

24. The Commission may, by sweepers or otherwise, remove snow from off the track allowance to the sides of the roadway, and such proportion of the cost of the snow removal from the roadway, other than the cost of the removal from the track allowance as above, as the width of the track allowance bears to the total width of the roadway, including sidewalks where the same are laid within three feet of the curb, shall be borne by the Commission and charged as part of the cost of operation of the street railways.

25. All claims or actions for alleged negligence in the operation of the street railways shall be made or brought against the Commission and dealt with by it, and the Commission shall have, through its solicitor, the conduct and control of all such claims and actions or of any action brought against either the Town or the Township in respect of any such alleged negligence, and may defend or compromise the same as it deems expedient.

26. In case the Commission shall at any time or times be prevented from operating the street railways by reason of strike, fire, riot, invasion, act of God, or the King's enemies, or any other cause beyond its control, the rights and obligations of the parties hereto shall be unaffected thereby and each shall be prompt and diligent in doing everything in its respective power to remove or overcome such cause or causes of interruption.

27. The Commission agrees, if either Corporation so requests, to purchase from the electric system of either corporation, power for the operation of the street railways, provided that in the judgment of the Commission such power can be advantageously purchased and used either in conjunction with or in lieu of other sources of power.

28. The Commission shall fix the rates of fare, including the rate if any for transfers to or from other transportation services operated by the Commission, to be charged from time to time on the street railways and such rates shall be such as in the opinion of the Commission are necessary to meet the full cost of the maintenance, repair and operation of any such street railways, such maintenance, and/or renewal reserves as it shall think necessary, and the debt charges against the same. No reduction, however, shall be made in any existing fares unless by consent of the parties hereto or order of the Board, and not more than one uniform fare



shall at any time be charged upon the street railways for any one continuous journey between any point within the present limits of the Town and that portion of the Township which may be assessed for the street railways and any other point in such area, provided that with the consent of the Corporation in which any extension or addition to the existing street railway is made an extra fare on such extension or addition may be charged. Where cars are through routed over the street railways and any other street railway operated by the Commission other than that in the City of Toronto, the Commission shall determine the proportions of revenue and expenditure to be allotted to each of such street railways.

29. The cost of maintenance, repair and operation of the street railways shall be computed as follows:

(a) All items directly chargeable to operation for the Corporations, such as power, maintenance of way and snow removal, shall, with the exception of injuries and damages, be so charged.

(b) The only amount chargeable in respect of injuries and damages shall be the same annual cost per car mile as is incurred by the Commission in the operation of its street railways within the City of Toronto in respect of such item (including therein administration and legal expenses).

(c) Save in respect of such items as above, the cost of operation, exclusive of administration and management, of rolling stock shall be charged on a car mileage basis, the rate therefor to be the average rate upon the Commission's city system for rolling stock of a like character and such rate to include an allowance for the capital costs of rolling stock and/or equipment where such rolling stock and/or equipment is not owned by the Town or Township.

(d) Any other items of cost applicable both to the street railways and other street railways shall be apportioned by the Commission according to the respective use made by each of the facilities in respect of which such item of cost was incurred.

(e) A sum not exceeding five per cent. of the gross annual revenue may be set aside each year for the purposes of an Operating Reserve Fund and such amount shall be included in the cost of maintenance, repair and operation.

(f) The cost of administration and management in connection with such operation is to be estimated at seven per cent. of all other items of cost of maintenance, repair and operation and is to be added thereto and retained by the Commission for its own use.

30. In connection with the matters dealt with by the next preceding paragraph, the system of accounting to be used, except where inconsistent with the express provisions hereof, shall be the classification of accounts for use of electric railways prescribed by the Interstate Commerce Commission of the United States, dated July 1st, 1914, and any future revisions thereof.

31. The Commission shall, after providing for the maintenance, repair and operation as above defined, of the street railways and such maintenance and renewal reserves as it shall think necessary, pay any surplus revenue in its hands to the respective Treasurers of the Corporations in the proportion provided for by paragraph (36) hereof, to be placed by them in special street railway accounts for the payment from time to time of the debt charges incurred in respect of the street railways.

32. Any payments to be made by the Commission under the next preceding paragraph shall be made forthwith after each quarter of the calendar year and are intended to be approximate only and shall be subject to adjustment by the Commission after the annual audit and report hereinafter provided for.

33. In consideration of the covenants and agreements entered into herein by the Corporations, the Commission, for the purposes of Paragraph (31) hereof only, agrees that the cost of paving the track allowance as

defined

defined in Paragraph (21) hereof with a type of pavement to be agreed upon by the parties hereto and according to plans and specifications furnished by the Commission, may be included in the debt charges referred to in such paragraph, provided that all such costs shall be kept in a separate account from the costs of track structure and overhead.

34. After the close of each calendar year the Commission will prepare a report to the Corporations giving a complete certified financial statement of its operation of the street railways during the preceding year, and any of such statements shall be, if either the Town or Township so desires, subject to audit by one independent auditor to be agreed on by the parties or appointed by the Board.

35. The Commission will, upon request, furnish the Town or Township with a statement of the revenue passengers carried and the car miles operated for any calendar month on the street railways and/or the portion thereof within the limits of the Corporation making such request.

36. The revenues of the street railways shall be apportioned as between the Town and the Township for each calendar year or portion thereof on the following basis:

(a) If the cost of maintenance, repair and operation of the street railways as defined in paragraph (29) hereof shall exceed the gross revenues for any such period, the consequent deficit on operation shall be borne by each municipality in proportion to the car miles operated during such period within its limits.

(b) Should the gross revenues exceed such cost of maintenance, repair and operation, then any resulting surplus is to be divided between the two municipalities in proportion to the capital investment of each in the street railways.

37. If for any reason the revenue from the street railways for a period of three consecutive calendar months shall be insufficient to meet the full costs for such period of the maintenance, repair and operation thereof as defined in paragraph (29) hereof, the Corporations shall pay to the Commission forthwith on demand the amount of any such deficiency in the proportions set out in the next preceding paragraph. Provided that in the event of the neglect of either of such Corporations to pay their proper proportion of such amount within thirty (30) days of such demand, the Commission may, without further notice, discontinue the operation of the said street railways and it and the other party hereto may recover from the Corporation in default any damage sustained by reason of such default, but such discontinuance of operation shall not release any party from this agreement. And provided further that the Corporation not in default, without prejudice to its rights under this agreement, may at its option pay the amount in default by the other Corporation and shall have the right to recover the amount of such payment from such Corporation in default.

38. The Commission may, during the term of this agreement, operate over the street railways through running cars serving other municipalities in conjunction with the Town and/or the Township. Such through running service shall not, however, be commenced in respect of cars serving any other municipality than the Corporations and the City of Toronto until the terms and conditions thereof, as agreed to by the Commission on behalf of the Town and/or the Township, shall have been approved of by the Town and the Township, or failing such approval by either Corporation, by the Board.

39. This agreement shall continue in force until the 7th day of August, 1945.

40. At the termination of this agreement the Corporations, if the Commission so desire, shall purchase from the Commission, and the Commission, if the Corporations or either of them so desire, shall sell any rolling stock or other material and equipment which the parties may agree or the Board may decide were used or acquired for service upon the street railways, at the value shown upon the books of the Commission, less

depreciation at the rates allowed by the Commission for such items of property. In case the Corporations cannot agree between themselves as to the manner of carrying out the said purchase, their respective rights shall be determined by the Board.

41. Any reserves in the hands of the Commission at the termination of this agreement shall be deemed to be held by it for the Corporations as follows:

(a) Any operating reserves in proportion to the car miles operated during the period of setting aside such reserves.

(b) Any other reserves in proportion to the capital investment of each Corporation in the street railways.

42. The Corporations shall, upon the termination of this agreement, indemnify and save harmless the Commission from all claims, demands and/or obligations whatsoever in respect of its operations of the street railways.

43. The Corporations hereby respectively covenant and agree to execute such further and other documents and to pass such by-laws as may be requested by the Commission for the purpose of fully effectuating the objects and intent of this agreement.

44. The Commission shall not in any way be liable, by reason of any error or omission in any reports, estimates, plans or specifications made for the Town or Township prior to the entering upon of this agreement, or made thereafter in pursuance thereof, or otherwise.

45. The Township shall not be liable for the acts or defaults of the Town under this agreement and the Town shall not be liable for the acts or defaults of the Township under this agreement but each Corporation shall only be liable for its own acts or defaults and every covenant and agreement on the part of the Corporations herein contained shall be construed accordingly.

46. The parties hereto agree to use their best endeavours to have this agreement ratified and confirmed by legislation at the next ensuing session of the Legislature of the Province of Ontario.

In witness whereof the parties hereto have hereunto set their corporate seals by the hands of their proper officers in that behalf, on the day and year first above written.

H.G.M. WITNESS:

TOWN OF WESTON,

(Seal Municipal Corporation of  
Weston, Incorporated, 1881.)

"ROBERT J. FLYNN," *Mayor*.

"H. G. MUSSON," *Clerk*.

(Seal Municipal Council,  
Township of York)

"W. M. GRAHAM," *Reeve*.

"W. A. CLARKE," *Clerk*.

TORONTO TRANSPORTATION COMMISSION,

(Seal The Toronto  
Transportation Commission)

"P. W. ELLIS," *Chairman*.

"H. S. CAMERON," *Secretary*.

BY-LAW NUMBER 362.

A by-law to confirm an agreement between the Corporation of the Town of Weston, the Corporation of the Township of York, and the Toronto Transportation Commission.

The Municipal Council of the Corporation of the Town of Weston enacts as follows:



1. The agreement between the Corporation of the Town of Weston, the Corporation of the Township of York, and the Toronto Transportation Commission set forth in Schedule "A" to this by-law is hereby confirmed, and the Mayor and Clerk are hereby authorized and directed to sign and affix the seal of the Corporation of the Town of Weston to the said agreement and make delivery thereof.

Passed this 12th day of October, 1925.

(Seal Municipal Corporation of Weston, incorporated 1881) (Sgd.) "ROBERT J. FLYNN," *Mayor*.  
(Sgd.) "H. G. MUSSON," *Clerk*.

#### A BY-LAW.

No. 8241.

To authorize the execution of an Agreement between the Corporation of the Town of Weston, the Corporation of the Township of York and the Toronto Transportation Commission *re* Street Railway on Weston Road, Township of York.

Be it enacted by the Municipal Council of the Corporation of the Township of York as follows:—

—1—

That certain agreement in writing, dated 26th day of October, 1925, and made between the Corporation of the Town of Weston, the Corporation of the Township of York and the Toronto Transportation Commission, is hereby approved and confirmed.

—2—

That the Reeve and Clerk of the Corporation of the Township of York are hereby respectively authorized and directed to execute the said Agreement on behalf of the Corporation of the Township of York, and the Clerk shall affix the Corporate Seal thereto.

Enacted and passed this 4th day of November, 1925.

(Seal Municipal Council, Township of York.) "W. A. CLARKE," *Clerk*.  
"W. M. GRAHAM," *Reeve*.

R.J.M.

## CHAPTER 106.

## An Act respecting the Township of East York.

*Assented to 8th April, 1926*

**W**HEREAS the corporation of the township of East Preamble.  
York has by its petition prayed that an Act may be passed incorporating it as a town, for the purpose of preventing annexation of parts of the said township of East York to any adjoining municipality; and whereas instead of granting the prayer of the said petition, it is deemed expedient in the interest of the said township of East York, that an Act should be passed limiting the power to annex any part of the said township of East York to an adjoining municipality;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**1.** This Act may be cited as *The Township of East York* Short title Act, 1926.

**2.**—(1) Notwithstanding the provisions of *The Consolidated Municipal Act, 1922*, or any other Act, no part of the township of East York shall be annexed to any adjoining municipality nor be incorporated as a municipality separate and apart from the township of East York, without the approval of the council of the corporation of the township of East York, to be expressed by by-law. Restrictions on annexation, etc.

(2) This section shall be and remain in force only until the first day of July, 1931.

**3.** This Act shall come into force on the day upon which it receives the Royal Assent. Commencement of Act.

## CHAPTER 107.

## An Act respecting the Township of North York.

*Assented to 8th April, 1926.*

## Preamble.

**W**HEREAS the corporation of the Township of North York has by its petition prayed for special legislation in regard to the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

## Short title.

**1.** This Act may be cited as *The Township of North York Act, 1926.*

## Interpretation.

**2.** In this Act,—

## "Corporation."

(a) "Corporation" shall mean the corporation of the Township of North York;

## "Cost of construction."

(b) "Cost of construction" shall, unless the context otherwise requires, include all the items mentioned in subsection 2 of section 19 of *The Local Improvement Act*;

## "Council."

(c) "Council" shall mean the council of the corporation of the Township of North York;

## "Township."

(d) "Township" shall mean the Township of North York.

## Sewerage system area.

**3.—(1)** The council may by by-law designate any defined section or area of the township as a "Sewerage System Area."

## May be enlarged.

(2) The council may from time to time by by-law enlarge or extend any such sewerage system area by adding thereto such portion or portions of the township as the council may deem expedient.



4. The council may pass by-laws to provide for the construction, extension, operation and maintenance of sewers, sewerage systems, sewage disposal works and pumping stations, outfall sewers and storm overflow sewers for the benefit of any sewerage system area established or enlarged or extended under the provisions of the next preceding section.

Power to pass by-laws for construction of sewer systems.

5. Subject to section 6 of this Act the council may provide that the whole cost of the construction, extension, operation and maintenance of any of the works mentioned in section 4 hereof shall be levied on all the rateable property in the sewerage system area for the benefit of which such works are constructed at the same time and in the same manner as other rates and taxes.

Levy of cost.

6.—(1) Subject to the provisions of subsection 2 of this section the entire cost of the construction or extension of any of the works mentioned in section 4 of this Act which the corporation is authorized to construct as local improvements under the provisions of *The Local Improvement Act*, shall be specially assessed upon the lots abutting directly on such works according to the extent of their respective frontages thereon by an equal rate per foot of such frontage sufficient to defray such cost.

Lots abutting directly on works specially assessed.

(2) Any portion of the cost of the construction or extension of the works referred to in subsection 1 of this section which, under the provisions of *The Local Improvement Act* would be paid by the corporation shall be paid by the sewerage system area for the benefit of which such works are constructed and shall be levied on all the rateable property in such area.

Share of sewerage system area.

(3) The corporation shall have in respect to the works mentioned in subsection 1 of this section all the powers granted to municipalities by *The Local Improvement Act* and may exercise such powers in any sewerage system area created under this Act in the same manner and to the same extent as if such area constituted a separate municipality and the provisions of *The Local Improvement Act* shall *mutatis mutandis* be applicable to such works.

Corporation may exercise powers of Local Improvement Act in sewerage system area.

7. The council may pass by-laws to provide for the construction, extension, maintenance and operation of one main sewerage system in any extended or enlarged area established under the provisions of subsection 2 of section 3 of this Act, or in two or more sewerage system areas established under the provisions of this Act.

Power to construct one or more sewerage system areas.

Power to levy cost on all rateable property in extended area.

**8.** The council may pass by-laws to provide that the cost of constructing, extending, maintaining and operating any system established under the next preceding section hereof including the portions of the cost of branch sewers at street intersections payable by such sewerage system area or areas, shall be levied on all the rateable property in such enlarged or extended area or on all the rateable property in such two or more sewerage system areas for the benefit of which such system is constructed, extended, maintained or operated as the case may be, and such cost shall include all liabilities incurred in respect of such works previous to the passing of such by-law but accruing due subsequent to the passing of such by-law.

Agreements with adjoining municipalities as to disposal of sewage.

**9.** The corporation may enter into agreements with any adjoining municipality or municipalities, providing for the admission of sewage from any sewerage system area of the township into the sewers and works of such adjoining municipality or municipalities, and may levy all sums paid to such adjoining municipality or municipalities under such agreement, on all the rateable property in such sewerage system area.

Agreements with adjoining municipalities as to admission of sewage to system.

**10.** The corporation may enter into agreements with any adjoining municipality or municipalities providing for the admission of sewage from such adjoining municipality or municipalities into the sewers and works of any sewerage system area of the township, and any sums payable to the corporation by such adjoining municipality or municipalities under such agreements, shall form part of the funds for the maintenance and operation of the sewers and works into which such sewage is admitted.

Agreements with adjoining municipalities as to joint system.

**11.—(1)** The corporation may enter into agreements with any adjoining municipality or municipalities for the joint construction, extension, operation and maintenance by the corporation on behalf of any sewerage system area in the township and such adjoining municipality or municipalities of a sewage disposal works or plant, including all accessories or appliances used in connection therewith on such terms as may be agreed upon between the corporation and such adjoining municipality or municipalities.

Levy of cost and application of revenue.

**(2)** That portion of the cost of constructing, extending, operating and maintaining any sewage disposal works or plant which, under any agreement entered into under subsection 1 of this section, is payable by the corporation, shall be levied on all the rateable property in the sewerage system area in the township for the benefit of which such works or plant are constructed, operated and maintained, and any

revenue received by the corporation under any such agreement shall form part of the funds for the maintenance and operation of such works and plant.

**12.** The council may pass by-laws to provide for the collection, removal and disposal by the corporation of garbage, ashes and other refuse throughout the whole municipality, or in any defined area of the municipality at the expense of the owners and occupants of the lands therein and for imposing upon such land according to its assessed value, a special rate to defray the expense of such collection, removal and disposal.

Provision for removal and disposal of refuse.

**13.—(1)** The council may pass by-laws to provide for the construction, extension, operation and maintenance of an incinerator, including all such buildings, machinery, plant and equipment, that may be necessary for the disposal of garbage and other refuse, and to provide that the whole cost of the construction, extension, operation and maintenance of such incinerator shall be levied on all the rateable property in such sewerage system area or areas as council may by the by-law for the construction of such incinerator provide.

To provide for incinerator—levy of cost.

**(2)** No incinerator shall be constructed under the provisions of this section until the location of the incinerator and the plans and specifications therefor have been approved by the Provincial Board of Health.

Provincial Board of Health to approve of location.

**14.—(1)** The corporation may enter into agreements with any adjoining municipality or municipalities for the joint construction, extension, operation and maintenance by the corporation on behalf of such sewerage system area or areas as the council may by by-law provide and such adjoining municipality or municipalities of the works referred to in the next preceding section upon such terms as may be agreed upon by the corporation and such adjoining municipality or municipalities.

Agreements with adjoining municipalities.

**(2)** That portion of the cost of constructing, operating and maintaining any incinerator which under any agreement entered into under subsection 1 of this section, is payable by the corporation shall be levied on all the rateable property in the sewerage system area in the township for which such incinerator is constructed, operated and maintained and any revenue received by the corporation under any such agreement, shall form part of the funds for the maintenance and operation of such incinerator.

Levy of corporation's share of cost—application of revenue.

**15.** It shall not be necessary for any of the works authorized by this Act to be constructed within the limits of the sewerage system area or areas charged with the cost of constructing,

Location of works not limited to area.



extending, maintaining and operating such works, but the said works shall be used exclusively for the benefit of the sewerage system area or areas so charged.

Authority  
to borrow  
money  
without  
assent of  
electors and  
to issue  
debentures.

**16.** The council may, without the assent of the electors, pass by-laws to provide for the borrowing on the credit of the corporation of all moneys necessary to pay for the cost of construction and extension of any of the works authorized by this Act, and may issue debentures for all moneys so borrowed, but the whole amount required to pay such debentures shall be raised as hereinbefore set out and shall not be borne by the corporation at large.

By-law  
No. 311  
confirmed.

**17.** By-law No. 311 of the Township of North York, entitled, "A By-law to authorize the borrowing of \$15,000 to pay for the construction of a chlorinator, engineer's residence, pole line to pump house and fencing around the water-works property in water area Number One of the township of North York," is hereby confirmed and declared to be legal, valid and binding upon the corporation and upon the property liable for any rate imposed by or under the authority of the said by-law.

Commence-  
ment of Act.

**18.** This Act shall come into force on the day upon which it receives the Royal Assent.

## CHAPTER 108.

## An Act respecting the Township of York

*Assented to 8th April, 1926.*

**W**HEREAS the corporation of the township of York has Preamble.  
by its petition prayed for special legislation in regard  
to the matters hereinafter set forth; and whereas it is expedient  
to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**1.** This Act may be cited as *The Township of York Act*, Short title.  
1926.

**2.** Section 2 of *An Act respecting the Township of York*, 1922, c. 139,  
passed in 1922 and chaptered 139, is amended by adding s. 2, amended.  
thereto the following subsections,—

- (4) The council of the corporation of the township of Section or area may be changed.  
York may by by-law enlarge, extend or otherwise  
alter the boundaries of any such defined section or  
area and may combine two or more defined sections  
or areas into one section or area.
- (5) The said council may by any such by-law or by a Adjustment of assets and liabilities.  
subsequent by-law make all provisions deemed  
necessary or advisable for the administration of the  
affairs of such defined section or area as altered,  
until the next election of trustees, and may likewise  
provide for the equitable adjustment of any assets  
or liabilities between the defined sections or parts  
thereof affected by the said by-law mentioned in  
subsection 4 hereof, in respect of any community  
hall, fire-hall, fire engines and other appliances for  
fire protection, the cost of which may have been  
levied by a special rate on the rateable property in  
any part of such defined section or sections.
- (6) No by-law authorized by subsections 4 and 5 hereof Approval of Ont. Ry. and Mun. Board.  
shall have any force and effect unless and until  
approved by the Ontario Railway and Municipal  
Board.

May  
establish  
dept. of  
industries.

3. The council of the corporation of the township of York may pass by-laws for the establishment and maintenance of a department of industries, and for appointing a commissioner of industries to bring to the notice of manufacturers and others, the advantages of the township as a location for industrial enterprises, residential, educational and other purposes, and may expend a sum not exceeding in any year, \$3,000 in carrying on the work of the said department.

By-law for  
Board of  
Police Com-  
missioners.

4.—(1) The council of the corporation of the township of York may pass a by-law or by-laws for the purpose of constituting a board of commissioners of police for the said township.

Members of  
Board.

(2) The board shall consist of the reeve, such one of the judges of the county court of the county of York as may be designated by the Lieutenant-Governor in Council to be a member of the board, and the police magistrate having jurisdiction in the township of York.

Case of  
two police  
magistrates.

(3) If there are at any time, two or more police magistrates having jurisdiction in the township of York, the Lieutenant-Governor in Council shall designate which police magistrate is to be a member of the board.

Case of  
inability of  
reeve to act.

(4) In case of the illness or absence from Ontario of the reeve or of the office being vacant, the first deputy reeve, or in his absence or inability to act, the person appointed as presiding officer of the council shall act instead of the reeve.

Case of  
inability of  
judge or  
police  
magistrate  
to act.

(5) In case of the illness or absence from Ontario of the judge or police magistrate acting as a member of the board, or in case of his office being vacant, the council shall fill the vacancy on the board by appointing a resident of the municipality to act during such vacancy, illness or absence from Ontario, as the case may be.

Remunera-  
tion of  
members.

(6) The council of the said township may provide for the payment of a reasonable remuneration to each of the members of the board for his services as a member of the board, or to any person appointed to fill a vacancy on the board.

Repeal of  
by-laws.

(7) The said by-law or by-laws of the council may at any time be repealed, and if repealed, the board shall, on the 1st day of January next after the passing of the repealing by-law, be dissolved.

Application  
of certain  
sections of  
1922, c. 72.

(8) Sections 355, 356, 357, 360, 361, 362 and 363, of *The Consolidated Municipal Act, 1922*, shall apply *mutatis mutandis* to the board, and the board shall have the powers which are



by such sections conferred on boards of commissioners of police in cities and towns.

5.—(1) Notwithstanding the provisions of *The Consolidated Municipal Act, 1922*, or any other Act, no part of the township of York shall be annexed to any adjoining municipality, nor be incorporated as a municipality separate and apart from the township of York, without the approval of the council of the corporation of the township of York, to be expressed by by-law.

Approval of township to annexation or incorporation.

(2) This section shall be and remain in force only until the first day of July, 1931.

6.—(1) All sales of lands within the township of York made prior to the 31st day of December, 1924, which purport to have been made by the corporation of the said township for arrears of taxes in respect of the lands so sold are hereby validated and confirmed, and all conveyances of lands so sold, executed by the reeve and treasurer of the said corporation, purporting to convey the said lands so sold to the purchaser thereof, or his, her or their assigns, are hereby validated and confirmed, and shall have the effect of vesting the lands so sold or conveyed or purporting to be sold or conveyed to the purchaser, or his, her, or their assigns, in fee simple, free and clear of and from all right, title and interest whatsoever of the owner or owners thereof at the time of such sale or his, her, or their assigns, and all charges and encumbrances thereon and dower therein, except taxes accrued or accruing since those for which payment whereof the said lands were sold.

Tax sales and deeds confirmed.

(2) Subsection 1 of this section shall extend and apply to cases where the said township or any person or persons in trust for it, or on its behalf, became the purchaser or the assignee of a purchaser of lands at any such tax sale.

Where township is purchaser.

(3) Nothing in this section contained shall affect any action or litigation now pending, but the same may be proceeded with, and finally adjudicated upon in the same manner and as fully and effectually as if this Act had not been passed.

Pending litigation not affected.

7. Subsection 1 of section 3 of *An Act respecting the Township of York*, passed in 1922 and chaptered 139, as amended by section 4 of *An Act respecting the Township of York*, passed in 1924 and chaptered 140, and as further amended by section 6 of *An Act respecting the Township of York*, passed in 1925 and chaptered 121, is further amended by adding thereto the following clauses,—

1922, c. 139, s. 3, subs. 1. amended.

(g) To provide that all remaining payments due for the cost of sewers and watermains constructed through

Levy of cost.

private

private property shall (in the event of a public street or highway being thereafter laid out or opened so that said sewers or watermains are in or under the said highway) be forthwith assessed and charged against the lands fronting or abutting on the highway, as a local improvement.

- (h) To provide that where separate sanitary sewers and storm drains have been or may hereafter be constructed in any highway within a defined area of the township which require two separate private drain connections to connect the same with the lots fronting or abutting thereon, that the whole cost of construction of the private drain connection from the storm drain to the street line shall be charged and levied from and against all the rateable property in the said defined area.

Application  
of surplus  
money from  
sale of  
debentures.

**8.** The treasurer of the corporation of the township of York is hereby authorized and empowered to transfer to the general funds of the corporation all surplus moneys now held by him arising by reason of the sale at a premium of debentures issued to pay for the cost of works undertaken under the provisions of *The Local Improvement Act*.

By-law  
No. 7916,  
confirmed.

**9.** By-law No. 7916 of the municipal corporation of the township of York passed on the first day of April, 1925, to provide for the borrowing of \$117,704.56 by the issue of debentures to pay for the cost of the construction of Governor's Bridge and the debentures issued or to be issued thereunder are hereby ratified and confirmed and declared to be legal, valid and binding upon the said corporation and the ratepayers thereof.

By-law  
No. 7917,  
confirmed.

**10.** By-law No. 7917 of the municipal corporation of the township of York passed on the first day of April, 1925, to provide for the borrowing of \$21,017.47 by the issue of debentures to pay for the construction of certain sewers and sewerage works in the township of East York and the debentures issued or to be issued thereunder are hereby declared to be legal, valid and binding upon the said corporation and the ratepayers thereof.

By-law  
No. 7919,  
confirmed.

**11.** By-law No. 7919 of the municipal corporation of the township of York, passed on the sixth day of April, 1925, to provide for the borrowing of \$8,875.07 by the issue of debentures to pay for acquiring certain lands in the township of York for park purposes and the debentures issued or to be issued thereunder are hereby declared to be legal, valid and binding upon the said corporation and the ratepayers thereof.

**12.** By-law No. 8304 of the municipal corporation of the township of York passed on the twenty-eighth day of December, 1925, as amended by By-law 8365, passed on the eighteenth day of February, 1926, to provide for the borrowing of \$30,000.00 by the issue of debentures to pay part of the cost of the construction of a water works system in water works section "B" in the township of York and the debentures issued or to be issued thereunder are hereby ratified and confirmed and declared to be legal, valid and binding upon the said corporation and the ratepayers thereof. By-law No. 8304, confirmed.

**13.** By-law No. 8305 of the municipal corporation of the township of York passed on the twenty-eighth day of December, 1925, as amended by By-law No. 8366, passed on the eighteenth day of February, 1925, to provide for the borrowing of \$51,000.00 by the issue of debentures to pay part of the cost of construction of a water works system in water works section "C" in the township of York and the debentures issued or to be issued thereunder are hereby ratified and confirmed and declared to be legal, valid and binding upon the said corporation and the ratepayers thereof. By-law No. 8305, confirmed.

**14.** By-law No. 8306 of the municipal corporation of the township of York passed on the twenty-eighth day of December, 1925, as amended by By-law No. 8367 passed on the eighteenth day of February, 1926, to provide for the borrowing of \$105,000.00 by the issue of debentures to pay part of the cost of construction of a water works system in water works section "A" in the township of York and the debentures issued or to be issued thereunder are hereby ratified and confirmed and declared to be legal, valid and binding upon the said corporation and the ratepayers thereof. By-law No. 8306, confirmed.

**15.** By-law No. 8326 of the municipal corporation of the township of York passed on the fifteenth day of January, 1926, to authorize the construction, operation and maintenance of an outfall sewer and of a trunk sewer for the benefit of St. Clair sewerage area No. 1 in the township of York, is hereby ratified and confirmed and declared to be legal, valid and binding upon the said corporation and the ratepayers thereof. By-law No. 8326, confirmed.

**16.** By-law No. 8372 of the municipal corporation of the township of York passed on the twenty-second day of February, 1926, to authorize the construction, operation and maintenance of a sewerage system in that portion of the township of York defined as St. Clair sewerage area No. 2, is hereby ratified and confirmed and declared to be legal, valid and binding upon the said corporation and the ratepayers thereof. By-law No. 8372, confirmed.

**17.** This Act shall come into force on the day upon which it receives the Royal Assent. Commencement of Act.



## CHAPTER 109.

An Act to extend the time for the completion of  
the Haliburton, Whitney and Mattawa  
Railway.

*Assented to 8th April, 1926.*

## Preamble

**W**HEREAS the Haliburton, Whitney and Mattawa Railway Company has petitioned for an Act to extend the time for the completion of their railway; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Revival of  
Charter and  
amending  
Acts.

**1.** Subject to the provisions of this Act the Act passed in 1899, chapter 94, incorporating the Haliburton, Whitney and Mattawa Railway Company as amended by the Act passed in 1902, chapter 75, and as further amended by the Act passed in 1905, chapter 92, are hereby revived and declared to be in full force and effect and the said Haliburton, Whitney and Mattawa Railway Company is declared to be and to have been from the date of the passing of the first mentioned Act an existing corporation.

## Repeal.

**2.** Section 3 of the Act passed in 1902, chapter 75, and section 1 of the Act passed in 1905, chapter 92, are repealed.

Time for  
completion

**3.** The railway, which the said company is authorized to construct by the Act of incorporation and the amending Acts as above recited, having already been commenced, shall be finally completed within five years after the passing of this Act and if the railway is not completed and put in operation within such period of five years then the powers granted by the said Acts and by this Act shall cease and be null and void as respects so much of the said railway as then remains uncompleted.

Commence-  
ment of  
Act.

**4.** This Act shall come into force on the day upon which it receives the Royal Assent.

## CHAPTER 110.

## An Act respecting The Midland Simcoe Railway Company.

*Assented to 8th April, 1926.*

**W**HEREAS The Midland Simcoe Railway Company was Preamble. incorporated under the name of The Midland Terminal Railway Company by an Act passed in the third year of the reign of His late Majesty, King Edward the Seventh, chaptered 105, with the powers therein set forth; and whereas by an Act passed in the second year of the reign of His Majesty, King George the Fifth, chaptered 140, the name of the said company was changed to The Midland Simcoe Railway Company, and it was granted power to construct an extension of its line of railway as therein set forth; and whereas by an Act passed in the fourteenth year of the reign of His Majesty, King George the Fifth, chaptered 142, an extension of time was granted to the said company for the completion of its original line of railway and for the commencement and completion of an extension thereof as therein set forth; and whereas the said company has by its petition prayed for a further extension of times for the commencement and completion of the said extension of its railway; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Midland Simcoe Railway Act, 1926.* Short title.
2. Section 4 of the Act passed in the fourteenth year of the reign of His Majesty, King George the Fifth, chaptered 142, is 1924, c. 142, s. 4, repealed.
3. The railway authorized by section 4 of the Act passed in the second year of the reign of His Majesty, King George the Fifth, chaptered 140, shall be commenced within two years and completed and put in operation within five years after the passing of this Act, and if the construction of the said railway is not commenced within two years after the passing

of this Act, or if the said railway is not completed and put in operation within five years after the passing of this Act, then the powers granted to the company with respect to the said railway shall cease and be null and void as respects so much of the said railway as then remains uncompleted.

Certain Acts  
declared to  
be in force.

4. Subject to the provisions of this Act the said Act passed in the third year of the reign of His late Majesty, King Edward the Seventh, chaptered 105, and the said Act passed in the second year of the reign of His Majesty, King George the Fifth, chaptered 140, and the said Act passed in the fourteenth year of the reign of His Majesty, King George the Fifth, chaptered 142, are declared to be and to have been in force from the respective dates of the passing thereof, notwithstanding any neglect or default on the part of the company in complying with any of the provisions of the said Acts or either of them and anything required to be done by the said Acts or either of them may be done after the passing of this Act.

Commence-  
ment of  
Act.

5. This Act shall come into force on the day upon which it receives the Royal Assent.



## CHAPTER 111.

## An Act respecting the Mount McKay and Kakabeka Falls Railway Company.

*Assented to 8th April, 1926.*

**W**HEREAS the Mount McKay and Kakabeka Falls Preamble. Railway Company was incorporated by an Act passed by the Legislature of the Province of Ontario, in the fourth year of the reign of His late Majesty King Edward the Seventh, chaptered 82, as amended by an Act passed in the eighth year of His late Majesty's reign, chaptered 131, and as further amended by an Act passed in the second year of the reign of His Majesty King George the Fifth, chaptered 143, and as further amended by an Act passed in the sixth year of the reign of His Majesty King George the Fifth, chaptered 104, and as further amended by an Act passed in the tenth year of the reign of His Majesty King George the Fifth, chaptered 151, and as further amended by an Act passed in the twelfth year of the reign of His Majesty King George the Fifth, chaptered 142, for the purpose of constructing and maintaining a railway to be operated by electricity, compressed air or other motive power, as set forth in the said Acts; and whereas by the Act passed in the twelfth year of the reign of His Majesty King George the Fifth, chaptered 142, it was, among other things, provided that the said company might operate the said railway and any authorized extensions thereof by steam, for a period of four years from April 1st, 1922, except on Neebing Avenue, north of Montreal Street; and whereas it was, among other things, further provided by the said Act that the time for completion of the said railway be extended for a period of four years from the passing of the said last mentioned Act; and whereas the said company has, by its petition prayed for an Act extending the time within which the said company may operate the said railway and any authorized extensions thereof by steam, for a further period of four years, except on Neebing Avenue, north of Montreal Street, and extending the time for completing the said railway for a further term of four years; and conferring such other rights, powers and authorities as may be incidental to the above; and whereas it is expedient to grant the prayer of the said petition;

Therefore,

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1922, c. 142,  
s. 1,  
repealed.

**1.** Section 1 of the Act passed in the twelfth year of the reign of His Majesty King George the Fifth, chaptered 142, is repealed, and the following substituted therefor,—

1. Section 2 of the Act passed in the fourth year of the reign of His late Majesty King Edward the Seventh, chaptered 82, is amended by adding thereto the following words: "Provided that the said company may operate the said railway and any authorized extensions thereof by steam, for a period of four years from April 1st, 1926, except on Neebing Avenue north of Montreal Street, but such right to operate by steam shall then absolutely cease."

1922, c. 142,  
s. 3,  
repealed.

**2.** Section 3 of the Act passed in the twelfth year of the reign of His Majesty King George the Fifth, chaptered 142, is repealed.

Time for  
completion  
extended.

**3.** Notwithstanding anything contained in *The Ontario Railway Act*, the railway authorized by the said Act, passed in the fourth year of the reign of His late Majesty King Edward the Seventh, chaptered 82, as amended by the Act passed in the eighth year of His late Majesty's reign, chaptered 131, and as further amended by the Act passed in the second year of the reign of His Majesty King George the Fifth, chaptered 143, and as further amended by the Act passed in the sixth year of the reign of His Majesty King George the Fifth, chaptered 104, and as further amended by an Act passed in the tenth year of the reign of His Majesty King George the Fifth, chaptered 151, and as further amended by an Act passed in the twelfth year of the reign of His Majesty King George the Fifth, chaptered 142, and by this Act, shall be completed within four years from the passing of this Act, and if the railway is not completed and put in operation within four years from the passing of this Act, then the powers granted to the company by the said Acts shall cease and be null and void as respects so much of the railway as then remains uncompleted.

Powers of  
company to  
be deemed  
in force  
and agree-  
ments  
not affected.

**4.** Subject to the provisions of this Act, all rights, powers, authorities and privileges conferred upon the said company by the said Acts, or by any general Act, are hereby declared to be in force, and nothing in this Act contained shall in any way be deemed to affect any agreement heretofore entered into between the company and any municipal corporation or any other person or persons.

Short title.

**5.** This Act may be cited as *The Mount McKay and Kakabeka Falls Railway Act, 1926*.

## CHAPTER 112.

## An Act to incorporate The Welland and Port Colborne Railway Company.

*Assented to 8th April, 1926.*

**W**HEREAS Robert Cooper, miller, and Marshall Vaughan, **Preamble.** seed merchant, both of the City of Welland, in the County of Welland, and Charles Eugene Steel, company manager, Horatio Harold Knoll, manufacturer, John Moore, consulting metallurgist, David Higgins, company manager, and Harry Grenville Ellsworth, foreman, all of the Town of Port Colborne, in the County of Welland, have by their petition prayed for an Act of Incorporation under the name of "The Welland and Port Colborne Railway Company" for the purpose of constructing and maintaining a railway to be operated by steam, electricity or other motive power from a point on the Michigan Central Railroad (Canada Southern Railway Division) near the crossing of the Canadian National Railways (Niagara, St. Catharines and Toronto Railway Division) in the Township of Crowland, in the County of Welland, in a general southerly direction parallel and adjacent to the right-of-way of the said Niagara, St. Catharines and Toronto Railway Division in the Townships of Crowland and Humberstone, the Village of Humberstone and the Town of Port Colborne to a point in the Town of Port Colborne on the north shore of Lake Erie west of the Welland Canal and a branch line at the northern limit of the Village of Humberstone extending in a southeasterly and southerly direction through the Village and Township of Humberstone crossing the proposed new diversion of the Welland Canal at the Guard Lock and the Canadian National Railways (Buffalo and Goderich Division) to a point in the Township of Humberstone on the north shore of Lake Erie east of the Welland Canal, all in the Province of Ontario; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:



## Short title.

1. This Act may be cited as *The Welland and Port Colborne Railway Company Act, 1926*.

## Incorporation.

2. The said Robert Cooper, Marshall Vaughan, Charles Eugene Steel, Horatio Harold Knoll, John Moore, David Higgins and Harry Grenville Ellsworth and such other persons, firms and corporations as shall hereafter become shareholders of the said company are hereby constituted a body corporate and politic under the name of "The Welland and Port Colborne Railway Company," hereinafter called the company.

## Location of line.

3. The company is hereby authorized and empowered to survey, lay out, construct, complete, equip and maintain a railway to be operated by steam, electricity or other motive power or partly by one and partly by the other with double or single iron or steel tracks from a point on the Michigan Central Railroad (Canada Southern Railway Division) near the crossing of the Canadian National Railways (Niagara, St. Catharines and Toronto Railway Division) in the Township of Crowland in the County of Welland in a general southerly direction parallel and adjacent to the right-of-way of the said Niagara, St. Catharines and Toronto Railway Division in the Townships of Crowland and Humberstone, the Village of Humberstone and the Town of Port Colborne to a point in the Town of Port Colborne on the north shore of Lake Erie west of the Welland Canal, and a branch line at the northern limit of the Village of Humberstone extending in a southeasterly and southerly direction through the Village and Township of Humberstone crossing the proposed new diversion of the Welland Canal at the Guard Lock and the Canadian National Railways (Buffalo and Goderich Division) to a point in the Township of Humberstone on the north shore of Lake Erie east of the Welland Canal, all in the Province of Ontario; and also to construct branch railways and to exercise all the powers, rights and privileges required therefor in as full and ample a manner as for the railway; and the railway in so far as it may be necessary for the operation of the same may be carried along, upon or across such public highways as may be authorized by the by-laws of the respective corporations having jurisdiction over the same; and subject to the restrictions and provisions therein and in this Act contained, and under and subject to any agreements between the company and the councils of any of said corporations; and the company may make and enter into any agreements with any municipal corporations as to the terms of occupancy of any street or highway subject to the provisions and conditions contained in this Act and *The Municipal Act*.

4. The head office of the company shall be in the City of <sup>Head office.</sup> Welland in the Province of Ontario.

5. The said Robert Cooper, Marshall Vaughan, Charles <sup>Provisional directors.</sup> Eugene Steel, Horatio Harold Knoll, John Moore, David Higgins and Harry Grenville Ellsworth shall be the provisional directors of the company.

6. The board of directors of the company shall consist of <sup>Number of directors.</sup> not less than five and not more than fifteen persons.

7. The capital stock of the company shall be \$750,000 with <sup>Capital stock.</sup> power to increase the same in manner permitted by *The Ontario Railway Act*.

8. The company when operating by electricity shall be <sup>Application of provisions of Rev. Stat. c. 185, re electric railways.</sup> subject to the provisions of *The Ontario Railway Act* governing the construction and operation of electric railways and the company may enter into contracts with any person, firm or corporation for the supply of electrical power or energy for the operation of the railway of the company, but nothing in this Act or in *The Ontario Railway Act* shall authorize the company to develop, transmit or supply electrical power or energy for any other purpose.

9. The company may subject to the provisions of *The Ontario Railway Act* on such terms as may be agreed upon: <sup>Power to amalgamate with, purchase, etc., other railways.</sup>

- (a) amalgamate with any other steam or electric railway company now or hereafter incorporated which operates wholly or in part within the territory above described;
- (b) acquire by purchase or lease any electric or steam railway operating wholly or in part within the territory above described or any part of the trackage or rolling stock of any such railway;
- (c) acquire running rights over any other railway, steam or electric, operating within such territory;
- (d) sell, convey or lease the railway and undertaking of the company in whole or in part to The Michigan Central Railroad Company or The Toronto, Hamilton and Buffalo Railway Company.

10. In addition to the powers conferred by *The Ontario Railway Act* the company shall have power to construct or <sup>Power to construct, acquire steam vessels.</sup> acquire by purchase, charter, lease or otherwise and dispose of steam and other vessels to be operated in connection with the railway of the company and to take, transport, carry and

convey persons and goods on such vessels and to regulate the time and manner in which the same shall be transported and the tolls to be charged therefor.

Application  
of Rev. Stat.  
c. 185.

**11.** The provisions of *The Ontario Railway Act* and the amendments thereto except where inconsistent with the provisions of this Act shall apply to the company and to the railway to be constructed by it.

Time for  
commence-  
ment and  
completion.

**12.** The railway hereby authorized shall be commenced within two years and finished and put in operation within five years from the passing of this Act and in default thereof the powers hereby conferred shall cease and be null and void as respects so much of the railway as then remains uncompleted.

Commence-  
ment of Act.

**13.** This Act shall come into force on the day upon which it receives the Royal Assent.



## CHAPTER 113.

An Act to authorize the transfer of certain Radial Railways from The Hydro-Electric Power Commission of Ontario to the Corporation of the City of Toronto.

*Assented to 8th April, 1926.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**1.** This Act may be cited as *The Toronto Radial Railways Act, 1926.* Short title.

**2.** In this Act,—

Inter-  
pretation.

- (a) "Commission" shall mean the Hydro-Electric Power Commission of Ontario; "Com-  
mission."
- (b) "Corporation" shall mean the corporation of the city of Toronto; "Cor-  
poration."
- (c) "The Railways" shall mean the railways operated by the Hydro-Electric Power Commission of Ontario on behalf of the corporation of the city of Toronto under the provisions of *The Toronto Radial Railways Act, 1921*, and agreements provided for therein, namely,— "The  
Railways."
  - (i) The Metropolitan division, including the Schomberg and Aurora railway,
  - (ii) The Mimico division,
  - (iii) The Scarborough division,

and all property, real and personal, vested in or held by the commission on behalf of the corporation under the provisions of the said Act.

Power to enter into agreement for transfer of certain radial railways to city.

3. The commission and the corporation may, with the approval of the Lieutenant-Governor in Council, enter into an agreement to provide for the transfer of the railways from the commission to the corporation upon a date to be therein named, and upon, from and after the said date the provisions of *The Toronto Radial Railway Act, 1921*, and/or if the agreements made between the commission and the corporation under the provisions of the said Act shall, in so far as they are inconsistent with the provisions of the said agreement hereby authorized, no longer apply to the said railways, and the corporation in respect to the operation, control, maintenance and/or management of the railways shall have and may exercise all the powers, rights, authorities and privileges that the commission now has or may exercise in respect to the railways, and the corporation shall also have the right for all time to maintain the railways described in the schedules to the agreements set out in schedule "A" to *The Toronto Radial Railway Act, 1921*, in the locations and on the streets and highways set out in the said schedules.

Issue of debentures.

4.—(1) The corporation may, without the assent of the electors qualified to vote on money by-laws, pass by-laws for the issue of debentures to raise the amount required to be paid to the commission to cover deficits incurred during the operation of the railways by the commission and such further amounts as may be required to repay to the commission all capital expenditures, and also from time to time to increase the bond issue as may be necessary to cover the capital stock of extensions or improvements or additional works or equipment of any kind required for the railways and all bonds issued under the provisions of this section shall be a charge upon the said railways and any extensions thereof, and all the rights, assets, privileges, revenue, works, property and effects belonging thereto.

Provision for sinking fund.

(2) For the purpose of providing for the payment of any bonds charged on the railways or any extensions thereof and the interest thereon the corporation shall, in each year, after the first day of December, 1930, out of the revenue of the railways, after the payment of working or operating expenses, including the supply of electrical power or energy and the cost of administration and the annual charges for interest, set aside annually such sums as may be necessary to provide a sinking fund on the basis of not more than forty years for the payment of the said bonds which shall be held over and applied toward the payment of such bonds or any renewals thereof at maturity, and the corporation shall have power from time to time, without the assent of the electors qualified to vote on money by-laws, to issue bonds for the purpose of providing for such additional moneys as may be necessary

with

with the accumulated sinking fund on hand to repay any bonds previously issued when the same mature.

5. The corporation may, after the railways have been transferred to it, transfer the control, management and operation of said railways to the Toronto Transportation Commission upon such terms as may be agreed upon, and upon such transfer being made the Toronto Transportation Commission shall possess in respect to the railways and any extensions thereof all the powers of control, management and/or operation conferred upon the corporation by this Act.

Power  
to transfer  
control to  
Toronto  
Trans-  
poration  
Commission.

6. This Act shall come into force on the day upon which it receives the Royal Assent.

Commence-  
ment of  
Act.



## CHAPTER 114.

## An Act to amend The United Church of Canada Act.

*Assented to 8th April, 1926.*

## Preamble.

**W**HEREAS members of certain congregations of the Presbyterian Church in Canada as constituted before the 10th day of June, 1925, have by their petition represented that in a number of instances votes taken in congregations pursuant to *The United Church of Canada Act*, being chapter 125 of the Statutes of 1925, have been declared to be irregular; and whereas the said petitioners have prayed that the said Act be amended in the manner hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

## Short title.

**1.** This Act may be cited as *The United Church of Canada Act, 1926*.

1925, c. 125,  
s. 8,  
amended.

**2.** Section 8 of *The United Church of Canada Act* is amended by adding thereto the following clause,—

Limitation  
of action.

(g) No action or other proceeding questioning the validity or effect of any such vote shall be brought after the 31st day of March, 1926.

Provision  
for new vote  
in certain  
congrega-  
tions.

**3.**—(1) Notwithstanding anything contained in *The United Church of Canada Act*, a new vote shall be taken by the following congregations,—

Dalhousie Mills, South Lancaster (including the old stone church, the second concession church and Curry Hill church), Conn, Richmond Hill, Burlington, Maple Valley,

upon a list of persons entitled to vote to be settled by a judge of the Supreme Court of Ontario or of a county court in accordance with the provisions of clause c of section 8 of the said Act, such judge to be appointed by the Attorney-General of Ontario.

(2) Notwithstanding anything done or determined heretofore the said judge shall have exclusive power to determine what persons are entitled to be entered on such list and to vote.

Exclusive  
power of  
judge.

(3) In the case of Burlington, a new vote shall not be taken if within sixty days from the coming into force of this Act the parties concerned shall have arrived at an agreement whereby the United Church congregation shall receive in consideration for a conveyance of the church property and manse the sum of \$13,500 together with the amount paid by the United Church congregation on account of the indebtedness of the church or for repairs since the 21st day of October, 1925, being approximately \$1,300. In the event of a new vote resulting in the said property not being held for the United Church congregation, there shall be paid to it the above sum of approximately \$1,300.

When new  
vote not to  
be taken in  
Burlington.

(4) A new vote shall not be taken by any of said congregations in the event of a settlement being made by the parties concerned and the terms thereof being communicated to the said judge.

No new vote  
in case of  
settlement.

(5) Such judge shall be paid such an honorarium as may be fixed by the Attorney-General of Ontario, one-half of which shall be payable by the United Church and one-half by the non-concurring congregations of the Presbyterian Church in Canada.

Honorarium  
of judge.

4. Clause *d* of section 9 of *The United Church of Canada Act* is amended by striking out the words and figures "honorarium of \$3,000" and substituting therefor the words and figures "honorarium of \$5,000."

1925, c. 125,  
s. 9, cl. *d*,  
amended.

5. This Act shall come into force on the day upon which it receives the Royal Assent.

Commence-  
ment of Act.

## CHAPTER 115.

An Act to amend the Act to incorporate the  
Evangelical Lutheran Seminary  
of Canada.

*Assented to 8th April, 1926.*

## Preamble.

**W**HEREAS the Evangelical Lutheran Seminary of Canada has by its petition represented that it should be enacted as herein set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

## Short title

**1.** This Act may be cited as *The Lutheran Seminary Act, 1926.*

1913, c. 145,  
s. 4,  
repealed.

**2.** Section 4 of the Act passed in the third year of the reign of His Majesty King George the Fifth, chaptered 145, is repealed and the following substituted therefor,—

Appoint-  
ment of  
Board of  
Governors.

**4.**—(1) The members at present constituting the board of governors shall hold office until the expiration of their respective terms of office and the appointment of their successors shall then be made by the said Evangelical Lutheran Synod of Canada at its annual meeting, a clergyman being elected to the office of a retiring clergyman, and a layman to the office of a retiring layman.

Case of  
vacancy.

(2) The board of governors may provide for temporarily filling any vacancy, the person temporarily appointed to hold office until the next annual meeting.

Term  
of office.

(3) The term of office of each clerical member shall be three years, and of each lay member two years, except where a member is appointed to fill a vacancy, in which case such appointment shall be for the remainder of the term of his predecessor.



**3.** Section 5 of the said Act is amended by striking out the <sup>1913, c. 145,</sup>  
word "any" in the second line thereof and substituting <sup>s. 5,</sup> amended.  
therefor the word "the."

**4.** This Act shall come into force on the day upon which <sup>Commence-</sup>  
it receives the Royal Assent. <sup>ment of</sup>  
<sup>Act.</sup>

## CHAPTER 116.

## An Act to incorporate the Toronto East General Hospital

*Assented to 8th April, 1926*

## Preamble.

**W**HEREAS a petition has been presented by Joe H. Harris, E. B. Ryckman, K.C., John L. Bolton, R. O. Darling, W. J. Barchard, Dr. E. A. McDonald, Joseph Price, Geo. S. Shields, Dr. W. F. Plewes, Isaac Pimblett, Dr. L. O. C. Skeeles, John Walshe, Dr. J. Y. Ferguson, Kenneth Maciver, Jas. W. Hanson, Dr. J. Edward Knox, Frank Johnston, Alex. Dawson, Dr. J. Lloyd Burns, A. O. L. Burnese, Wm. C. Michell, Robert Luxton, R. J. Dibble, Rev. Peter Bryce, W. J. Farmery, Dr. David Muir, H. T. MacDonald, Fred P. Bentley, Geo. J. Smith, W. R. Saunders, Dr. G. Wylie Carleton, Charles H. Bower, W. W. MacPhee, J. E. Virtue Dr. P. J. F. Houston, J. Lloyd Burns, R. Sylvester, M. E. Sutton, William Horrie Robertson, Albert G. Hill, Arthur Stubbings, R. W. Redman, Dr. Jordon Field, Claude F. Butt, M. O. McKichan, F. S. Burke, Geo. F. Laughlen, Vivien Laughlen, W. C. Givens, R. H. Fleming, Ernest Bray, Alvin Martin, Earl B. Clouse, Blake Johnston, G. A. Washington, R. O. Fisher, J. D. Christie, C. T. P. Barbutt and Harold W. Hoag, representing that it is desirable to establish a general hospital in the east end of the City of Toronto; and whereas the said persons by their petition have prayed for an Act to incorporate such hospital under the name of the Toronto East General Hospital with all the powers and privileges usually accorded to such institutions; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation of  
Toronto  
East General  
Hospital

1. The said petitioners and others are hereby constituted a body corporate and politic under the name of the "Toronto East General Hospital" and by that name shall have perpetual succession and a common seal, and may under that name sue and be sued and shall have all the other powers and privileges

hereinafter

hereinafter mentioned, and also all the other powers, privileges and immunities vested by law in corporations necessary and proper for the carrying out of the objects of incorporation.

2. The said corporation of the Toronto East General Hospital, hereinafter called "the Corporation," shall be composed of the said petitioners, the patrons and the subscribers as hereinafter defined. <sup>Members of corporation.</sup>

3.—(1) The Toronto East General Hospital and the property, revenues, business and affairs thereof shall be under the government, management, conduct and control of a Board of Governors, hereinafter called the Board. <sup>Board of governors.</sup>

(2) The Board shall consist of one member appointed by the Lieutenant-Governor in Council, two members appointed by the Municipal Council of the City of Toronto, two members appointed by the County Council of the County of York, one of whom shall represent the Township of Scarboro and the other shall represent the Township of East York, and six members elected by the subscribers as hereinafter defined. <sup>Appointment of governors.</sup>

(3) The petitioners named in the preamble of this Act shall constitute the first Board of Governors who shall hold office until the first annual meeting of subscribers, and until their successors are elected.

4.—(1) The governor appointed by the Lieutenant-Governor in Council shall hold office for three years and until his successor is appointed. <sup>Term of office.</sup>

(2) The governors appointed by the Municipal Council of the City of Toronto shall hold office for one year and until their successors are appointed.

(3) The governors appointed by the County Council of the County of York shall hold office for one year and until their successors are appointed.

(4) Subject to the provisions hereinafter contained respecting the first election of governors by the subscribers, the governors hereinafter elected by the subscribers shall hold office for three years and until their successors are elected.

5. The elected governors shall be elected at the annual meeting in the month of January in each year, in the place of those whose term of office expires. <sup>Elected governors.</sup>

6. A governor whose term of office has expired shall be eligible for re-appointment or re-election as the case may be. <sup>Re-appointment of governor.</sup>



Disqualifi-  
cation as  
governor.

7. A member of the hospital staff shall not be eligible for election or appointment as a governor, and if a member of the board accepts or occupies a position on the hospital staff, or if any member of the Board goes to reside out of Ontario or becomes insane or otherwise incapable of acting as a member, he shall *ipso facto* vacate his office as a member of the Board, and a declaration of the existence of the vacancy entered upon the minutes of the Board, by the direction of the Board shall be conclusive evidence thereof.

Vacancies—  
how filled.

8. When a vacancy occurs from any cause it shall be filled by the body possessing power to appoint or elect, and the person appointed or elected to fill the vacancy shall hold office for the remainder of the term of the governor whose place he is appointed or elected to fill.

Quorum.

9. Five members shall constitute a quorum of the Board.

Meeting of  
subscribers  
for election  
of governors.

10.—(1) A meeting of the subscribers for the election of governors to fill the places of retiring elected governors shall be held annually in the fourth week in the month of January.

Election to  
fill vacancy.

(2) Elections to fill vacancies arising from any cause other than the expiration of the term of office shall be held at such time as the Board may by by-law or resolution appoint.

Time of  
meeting.

(3) The meetings of the subscribers for the election of governors shall be held at the hospital at such hour as the Board by resolution appoints. The secretary of the Board shall at least ten days prior to the holding of any such meeting give notice thereof by mailing the same in a prepaid registered letter addressed to each subscriber at his last address as the same appears on the books of the hospital, but no accidental or unintentional failure to mail such notice to any subscriber or subscribers shall invalidate any proceedings at such meeting.

Presiding  
officer at  
meetings.

(4) The president of the Board, or in his absence, a vice-president or a person elected by the meeting, shall preside at any meeting of subscribers and the secretary shall act as the secretary of the meeting and shall produce a certified list of the subscribers as of the date of the calling of the meeting with a statement of the amount of each subscription, and such list shall be open to public inspection.

Election by  
ballot.

(5) The election of governors shall be by ballot taken by two or more scrutineers appointed by the chairman of the meeting.

(6) At all meetings of subscribers each subscriber of record on the date of the calling of the meeting shall be entitled to vote in person or by proxy under an instrument of proxy executed under his hand and given to a subscriber entitled to vote at such meeting. <sup>Voting by subscribers.</sup>

(7) In case of an equality of votes as to any matter other than the election of governors the chairman shall have a casting vote. <sup>Casting vote.</sup>

(8) In case of an election if there shall be an equality of votes between two or more persons which leaves the election of one or more governors undecided, the scrutineers shall forthwith put into a ballot box a number of papers with the names of the candidates respectively having such equality of votes written thereon, one for each candidate, and the chairman shall draw from the ballot box in the presence of the scrutineers one or more of the papers sufficient to make up the required number of governors, and the persons whose names are upon the papers so drawn shall be the governors elected. <sup>Case of equality of votes given to candidate.</sup>

**11.**—(1) Of the six governors elected at the annual meeting of subscribers to be held in the month of January, 1927, two shall hold office for the term of one year and until their successors are elected, two shall hold office for the term of two years and until their successors are elected, and two shall hold office for the term of three years and until their successors are elected. <sup>Term of office of elected governors.</sup>

(2) The two governors to hold office for the term of three years shall be the candidate who polled the highest number of votes and the candidate who polled the next highest number of votes. The two governors to hold office for the term of two years shall be the candidate who polled the third highest number of votes and the candidate who polled the fourth highest number of votes. The two governors to hold office for the term of one year shall be the candidate who polled the fifth highest number of votes and the candidate who polled the sixth highest number of votes. In case of an equality of votes between two or more candidates which leaves undecided the question as to whether any given candidate is elected for three years or two years or one year the procedure shall be as in subsection 8 of section 10 of this Act.

**12.** At every annual meeting the subscribers after the year 1926, shall elect two subscribers to be governors for three years and until their successors are elected. <sup>Election of governors after.</sup>



Qualification  
of sub-  
scriber.

**13.** Every individual who has heretofore subscribed or shall hereafter subscribe one hundred dollars or upwards to the funds of the hospital shall be a subscriber and shall be entitled to one vote at each and every meeting of the subscribers for each and every one hundred dollars contributed by him; provided however that twenty votes shall be the maximum allowed to any subscriber.

Qualification  
of patron.

**14.—(1)** Every individual who has heretofore donated or shall hereafter donate to the funds of the hospital one thousand dollars or upwards shall be a patron of the hospital.

(2) The patrons shall be visitors of the hospital.

Establish-  
ment of  
hospital.

**15.—(1)** The Board may establish and maintain in or near the City of Toronto a public general hospital to be called the Toronto East General Hospital for the treatment of sick and injured persons, and for that purpose the Board may in its discretion receive and take in the name of the corporation from any person or body corporate by grant, gift, devise or otherwise any land or interest in land or any goods, chattels or effects for the use, support or purposes of the hospital and without license in mortmain and in their discretion may sell or dispose of the same.

Hospital  
land not to  
be  
expropriated

(2) No real property or interest therein vested in the corporation and used for hospital purposes shall be liable to be entered upon, used or taken by any municipal or other corporation or by any person possessing the right of taking land compulsorily for any purpose whatsoever; and no power to expropriate real property hereafter conferred upon such corporation or person shall extend to such real property or interest unless in the Act conferring the power it is made in express terms to apply to such real property.

Borrowing  
powers of  
board.

**16.—(1)** The Board may from time to time on the authority of the subscribers borrow for the purposes of the hospital such sums as may in their opinion be required for the purposes of the hospital and may charge, hypothecate, mortgage or pledge any or all of the real and personal property and assets of the corporation to secure any money so borrowed or any other debt or liability of the corporation, and may issue debentures for any money borrowed, in such sums at such rate of interest, and subject to subsection 2 of this section, for such period as the Board may deem expedient.

Currency of  
debentures.

(2) No such debentures shall be issued for a longer period than forty years and the interest shall be payable yearly, half-yearly or quarterly.



(3) Such debentures may be secured by a mortgage to trustees for the debenture holders upon any or all of the real and personal property and assets of the corporation. Mortgage to secure debentures.

**17.** The Board may invest in such securities as may be deemed advisable all money that may at any time come into its hands for the use and support of the hospital, or may deposit the same in any chartered bank or financial institution of good standing. Powers as to investments and deposits.

**18.—**(1) All grants, conveyances, assignments, mortgages, statutory and other discharges of mortgage, leases, contracts, distress warrants and other documents requiring to be executed under seal shall be sealed with the corporate seal of the corporation and shall be signed by the president and secretary or by some other person or persons thereunto authorized by resolution of the Board. Execution of documents by corporation.

(2) All cheques, promissory notes and drafts shall be signed by the president or a vice-president or some person thereto authorized by resolution of the Board and also by the treasurer or some person thereto authorized by resolution of the Board. Negotiable instruments.

**19.—**(1) The Board may elect one or more honorary presidents and from its members may elect a president, and one or more vice-presidents. Honourary president, president, and vice-president.

(2) The Board shall appoint and may remove a secretary, a treasurer, a superintendent and his assistants and clerks and all other officers or servants of the Board. Appointment and renewal of officers and staff.

(3) The Board may enact by-laws and regulations for the management of the hospital and for fixing all salaries and wages and for regulating the composition of the hospital staff, their number and duties. By-laws and regulations.

(4) Such by-laws or regulations shall be laid before the Lieutenant-Governor in Council within thirty days after the same have been enacted and shall not come into force until approved by him. Approval of by-laws by Lieutenant-Governor in Council.

**20.** The Board shall allow every patient paying sufficient to cover all the cost to the Board of his maintenance and support while in the hospital to employ and remunerate his own physician subject to the regulations of the Board. Indigent patients may be attended by their own physicians, provided such physicians are acceptable to the Board; but such physicians shall receive no remuneration or other reward from such patients for their services. Terms of admission of patients.

Patients  
sent from  
City of  
Toronto and  
County of  
York.

**21.** The Board shall afford accommodation as far as possible to patients sent into the hospital on the order of the corporation of the City of Toronto or on the order of any local municipality within the County of York, upon payment to the Board of such rates as may from time to time be agreed upon and subject to such regulations as the Board may by by-law or resolution prescribe.

Hospital  
staff.

**22.** The composition and number of the hospital staff, the term of office and the duties and privileges of the members thereof shall be determined and regulated by the Board. The Board may from time to time appoint members to and at their pleasure remove members from the said hospital staff. The Board shall have sole charge and control of the medical and surgical affairs of the hospital and in so far as the admission of patients into the hospital, their medical and surgical treatment there, and their discharge are concerned.

Advisory  
medical  
board.

**23.**—(1) There shall be an advisory medical board composed of all the members of the staff.

Duties of  
advisory  
medical  
board.

(2) Their duties shall be when requested, or upon their own initiative to advise the Board upon any questions specially relating to the professional features of the work of the hospital.

Meetings of  
advisory  
medical  
board.

(3) The advisory medical board shall meet when requested by the board of governors and at such other times as the advisory medical board may determine, and may make such rules as may be necessary for constituting and establishing the order of their meetings.

Record of  
meetings.

(4) A record of each meeting shall be kept in a book, specially provided for the purpose, which book shall constitute one of the records of the hospital.

Regulations  
of advisory  
medical  
board as to  
nursing.

**24.** The advisory medical board shall adopt such rules and regulations and change the same from time to time as they may deem best for the purpose of regulating the nursing in the hospital, for assigning the duties and hours of service of the nurses, and for suspension of any nurse who has been derelict in his or her duties or has been guilty of such cause of suspension as may be laid down in the said rules.

Outdoor  
department  
for indigent  
poor.

**25.** The Board may adopt and change from time to time rules and regulations for the carrying on of an outdoor department or departments of the hospital in which may be treated such indigent poor as may be unable to secure medical or surgical treatment and medicine other than in a free dispensary or hospital.

**26.** The Board may establish and maintain in connection with the hospital a training school for nurses whereby nurses may receive a thorough training and be given a diploma upon completing the curriculum and passing the medical and nursing examinations required, and may also establish and maintain a home for nurses whereby nurses who have been properly trained may be supplied to private families in the City of Toronto or elsewhere.

Training  
school and  
home for  
nurses.

**27.** The Board may establish and maintain a maternity hospital for the purpose of taking care of maternity patients.

Maternity  
hospital.

**28.** The Toronto East General Hospital shall be subject to the provisions of *The Hospitals and Charitable Institutions Act*, save in so far as the terms thereof are altered by this Act.

Application  
of Rev. Stat.  
c. 800.



## CHAPTER 117.

## An Act respecting the Amalgamation of The Toronto Western Hospital and Grace Hospital.

*Assented to 8th April, 1926.*

Preamble.

**W**HEREAS The Toronto Western Hospital has by its petition represented that Toronto Western Hospital and Grace Hospital have agreed to amalgamate and carry on their amalgamated undertaking under the name of The Toronto Western Hospital as set forth in the agreement contained in the Schedule hereto; and whereas The Toronto Western Hospital has prayed that an Act be passed by the Legislature of this Province validating the said agreement, and to enact as hereinafter set forth with regard to the property, rights and powers hereinafter mentioned, and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

**1.** This Act may be cited as *The Toronto Western Hospital Act, 1926.*

Agreement between hospitals, confirmed.

**2.** The agreement made between The Toronto Western Hospital and Grace Hospital dated the 6th day of November, 1925, set forth in schedule "A" to this Act, is hereby ratified and confirmed and declared to be legal, valid and binding upon the parties thereto, and the said parties are hereby empowered to enter into the said agreement and carry out their respective obligations and exercise, possess and enjoy their respective rights, powers and privileges thereunder.

Amalgamation of Grace Hospital with Toronto Western Hospital.

**3.** Grace Hospital is hereby united and amalgamated with The Toronto Western Hospital which shall continue to be a body corporate and politic, under the name of The Toronto Western Hospital, and as varied and amended by this Act, the Act passed in the year 1914, chapter 135, and known as *The Toronto Western Hospital Act, 1914*, shall apply to and govern The Toronto Western Hospital as so constituted.

4. The undertaking, and all properties, assets, rights, credits and effects of Grace Hospital (including all gifts and legacies to, and all endowments of Grace Hospital whether heretofore or hereafter given or made and the exclusive right to use the name Grace Hospital) are hereby vested in The Toronto Western Hospital, and all such gifts, legacies and endowments shall continue and enure to the benefit of The Toronto Western Hospital constituted as hereinbefore provided, notwithstanding the amalgamation of Grace Hospital with The Toronto Western Hospital, and wherever in any deed of gift or will or other instrument of gift or endowment, the said Grace Hospital is referred to, such reference shall hereafter be deemed to be a reference to The Toronto Western Hospital with which Grace Hospital is amalgamated.

Under-taking rights and property of Grace Hospital vested in Toronto Western Hospital.

5. The Toronto Western Hospital shall be subject to and liable for all debts, contracts, liabilities, duties and obligations of Grace Hospital existing on the date this Act comes into force, and may be sued therefor in any court of competent jurisdiction to the same extent as (except for this Act) Grace Hospital could have been sued therefor. All proceedings may be continued or commenced by or against The Toronto Western Hospital, which might have been continued or commenced by or against Grace Hospital.

Liability of Toronto Western Hospital.

6. The said amalgamation shall not, nor shall anything in this Act alter, prejudice or affect any right or privilege of The Toronto Western Hospital under any agreement, contract, deed, will or other instrument whatsoever.

Amalgamation not to affect any instruments.

7. Chapter 135 of the Acts passed in the 4th year of the reign of His Majesty, King George V, entitled *The Toronto Western Hospital Act, 1914*, is hereby amended as follows,—

1914, c. 135, s. 5, amended.

(a) By adding to section 5 the following subsection,—

Board of Governors.

(2a) The governors of Grace Hospital in office at the time of the coming into force of *The Toronto Western Hospital Act, 1926*, shall be members of the board of governors of The Toronto Western Hospital for their respective lives.

(b) By adding the following section,—

Patrons.

23a.—(1) Every individual who has heretofore donated to the funds of Grace Hospital, \$1,000 or upwards, shall be a patron of The Toronto Western Hospital, and shall enjoy the rights and privileges set forth in section 22 hereof.

Rights  
of certain  
subscribers.

- (2) Every individual who has heretofore subscribed \$100 or upwards to the funds of Grace Hospital, shall be a subscriber to The Toronto Western Hospital, and shall enjoy all the rights and privileges set forth in section 23 hereof.

## SCHEDULE "A."

### AGREEMENT.

This agreement made the sixth day of November, A.D. 1925.

#### BETWEEN:

THE TORONTO WESTERN HOSPITAL, an institution incorporated under an Act of the Legislature of the Province of Ontario (hereinafter called "The Toronto Western Hospital")

of the first part,

—and—

GRACE HOSPITAL, an institution incorporated under an Act of the Legislature of the Province of Ontario (hereinafter called "Grace Hospital"),

of the second part.

Whereas the Board of Governors of each of the parties hereto has approved of an amalgamation of the parties hereto on the terms and conditions hereinafter set forth;

Now therefore this agreement witnesseth and it is mutually agreed by and between the parties hereto as follows:

1. Subject to the enactment of appropriate enabling legislation by the Legislature of the Province of Ontario, the parties hereto shall amalgamate and carry on the amalgamated undertaking under the name of "The Toronto Western Hospital" and for such purpose all the assets and undertaking of Grace Hospital (including all gifts, legacies and endowments) shall be vested in The Toronto Western Hospital, subject to its assuming to the complete exoneration of Grace Hospital, all the debts, liabilities and obligations of Grace Hospital, and the Charter and corporate existence of The Toronto Western Hospital as constituted by Ontario Statute, 4 George V, Chapter 135, and amendments thereof, shall continue, subject to further amendment necessary to give full force and effect to this Agreement, as the Charter of the parties hereto as amalgamated pursuant to this Agreement. The parties hereto shall execute all deeds, agreements and documents which may be necessary or desirable for carrying out and completing such amalgamation.

2. From and after the date hereof and until the passing of said legislation, each of the parties hereto will continue to carry on its business and the management of its affairs as heretofore and under the control of its Board of Governors, but subject to such directions as the Boards of Governors of the parties may jointly determine.

3. Upon the passing of said legislation, the Governors of Grace Hospital then in office shall become life Governors of The Toronto Western Hospital.

4. Upon the passing of said legislation, the Staff of The Toronto Western Hospital and the staff of Grace Hospital shall be merged in and become one united Staff under the control of the united Board of Governors of The Toronto Western Hospital in which will be included the former Governors of Grace Hospital as hereinbefore provided. But until such time as the

undertaking



undertaking of Grace Hospital is removed from its present Hospital and appurtenant buildings and established in the buildings now existing and others to be erected on lands presently owned by The Toronto Western Hospital with accommodation equivalent to the present accommodation for public and private patients in both Hospitals and such further accommodation as is necessary to meet the plans and purposes for which amalgamation is being brought about, such staff shall continue to function separately as two units, namely, The Toronto Western Hospital unit, serving the present Toronto Western Hospital and the Grace Hospital unit, serving the present Grace Hospital. Upon the completion of such new accommodation and the establishment of the Grace Hospital undertaking therein, the said two Staff units shall cease to operate separately, and shall function as one united Staff, the intention of the parties hereto being that in so far as it is possible in reorganizing the Staff of the United Hospital each member of each unit shall be appointed to and hold the same professional position and status in the united Staff of The Toronto Western Hospital as such member held in his own unit at the date of this Agreement, and to the intent that full provision be made therefor, additional medical, surgical and other professional services shall where necessary be established in said united Staff of the Toronto Western Hospital. Pending the completion of said buildings and said removal, any changes in or appointments to either of said units shall be made by the new united Board of Governors.

5. Upon the passing of said legislation, all nurses who shall have then previously graduated from Grace Hospital shall be recognized as and become graduates *ad eundem gradum* of The Toronto Western Hospital.

6. Nothing occurring or arising out of this amalgamation shall in any way interfere with or disturb the agreement existing between the University of Toronto and The Toronto Western Hospital providing for the admission of medical students from the University of Toronto into the said The Toronto Western Hospital for the purpose of receiving clinical instructions and laboratory training, or such other teachings or demonstrations as may be required in the case of the said students.

7. All persons who have, prior to the date of execution of this agreement, donated money or moneys to Grace Hospital shall have the same rights and privileges as are enjoyed by those who have made donations in money to The Toronto Western Hospital, as set forth in the Act incorporating The Toronto Western Hospital.

8. The parties hereto will co-operate in an endeavour to obtain legislation at the next ensuing Session of the Legislature of the Province of Ontario, validating and confirming this Agreement and/or embodying the terms and provisions herein contained and/or amending the said Statute 4 George V, Chapter 135, in such manner as may be necessary to give full effect to the true intent and meaning of this Agreement.

In witness whereof the parties hereto have hereunto affixed their corporate seals under the hands of their proper officers.

SIGNED, SEALED AND DELIVERED

in the presence of:

THE TORONTO WESTERN HOSPITAL,  
(SEAL)  
"THOS. CRAWFORD," *Chairman.*  
"JOHN FERGUSON," *Secretary.*

GRACE HOSPITAL,  
"E. R. WOOD," *Chairman.*  
"J. E. ATKINSON," *Secretary.*

(SEAL)

## CHAPTER 118.

## An Act respecting the Victoria Hospital at Renfrew.

*Assented to 8th April, 1926.*

## Preamble.

**W**HEREAS the corporation of the town of Renfrew has by its petition shown that by *The Victoria Hospital at Renfrew Act*, 12-13 George V, chapter 151, the corporation of the town of Renfrew was authorized to carry on the Victoria Hospital at Renfrew as a Civic General Hospital and to furnish, equip and maintain the same as is in said Act provided, and that in the month of January, 1926, the said hospital was destroyed by fire and that it is desirable or essential for the well being of the residents of the said municipality that the said hospital shall be rebuilt upon the lands upon which it was formerly erected or that another hospital in lieu thereof shall be erected upon other lands in the town of Renfrew or in the township of Horton, in the county of Renfrew and that the said corporation be empowered to provide by by-law for borrowing without the assent of the electors upon debentures of the corporation for the purpose of acquiring land for and for erecting, equipping and furnishing the said hospital, such sum or sums of money as it may deem requisite, not exceeding in all the sum of \$100,000; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

## Short title.

**1.** This Act may be cited as *The Victoria Hospital at Renfrew Act, 1926*.

## Power to erect and equip new hospital.

**2.** The corporation of the town of Renfrew may erect another hospital building or buildings upon the lands upon which the former hospital building stood or upon such other site in the town of Renfrew or in the township of Horton as shall be selected by the council of the said corporation and may equip and furnish such building or buildings.

## Power to acquire other land for hospital site in certain cases.

**3.** If the council of the said corporation shall determine that it is advisable to do so, the corporation may acquire

other

other lands for the purposes aforesaid and shall have power to sell and convey the lands now held for the purposes of the said hospital.

4. The said corporation may borrow such sum or sums not exceeding \$100,000 in all as the council of the corporation may deem necessary for the purpose of erecting, equipping and furnishing the said hospital building or buildings and for the purpose of acquiring land for the same if the council of the said corporation decides to acquire other lands for the purpose of the said hospital, and no by-law for such purpose shall require the assent of the electors qualified to vote on money by-laws, but the same shall comply with the provisions of section 288 of *The Consolidated Municipal Act, 1922*. Power to borrow certain sum without assent of electors. 1922, c. 72.

5. All the provisions of *The Victoria Hospital at Renfrew Act*, 12-13 George V, chapter 151, shall be applicable to the hospital to be erected, equipped and furnished pursuant to the provisions of this Act. Application of 12-13 Geo. V, c. 151.

6. This Act shall come into force on the day upon which it receives the Royal Assent. Commencement of Act.



## CHAPTER 119.

## An Act respecting the Amalgamation of the Girls' Home and the Protestant Orphans' Home.

*Assented to 8th April, 1926.*

## Preamble.

**W**HEREAS the Girls' Home was incorporated in the twenty-sixth year of Her late Majesty Queen Victoria's reign (1863) by chapter 63, and amended by 26 Victoria, chapter 91, and by 50 Victoria, chapter 91; and whereas the Protestant Orphans' Home was incorporated by Statutes of the Province of Canada in the thirteenth and fourteenth years of Her late Majesty Queen Victoria's reign, chapter 34 (1851), chapter 151, of the Province of Canada (1873), amended by chapter 71, of the Statutes of the Province of Canada (1852), chapter 148, of the Province of Ontario (1911), and chapter 90, of the Province of Ontario (1915); and whereas it is deemed advisable for the efficient carrying out of the objects of the respective corporations that the said institutions should amalgamate and carry on the objects for which they were incorporated, jointly; and whereas the petitioners, the said institutions, have prayed that an Act be passed by the Legislature of this Province to enact as hereinafter set forth with regard to the properties, rights and powers hereinafter mentioned; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

## Short title.

1. This Act may be cited as *The Protestant Children's Homes Act, 1926.*

## Interpretation.

2. In this Act,—

## "Property."

(a) "Property" shall include messuages, lands and hereditaments whether freehold or of any other tenure and whether corporeal, incorporeal or personal, and any undivided share thereof, and any estate, right or interest therein, leasehold estates, chattels, also money, shares of government and other

funds,

funds, securities for money, debts, choses in action, rights, credits, goods, and all other property, including any gift, bequest or devise to the said respective institutions under any will, deed, or any or other instrument which has heretofore been signed, made, executed or delivered or may hereinafter be so signed, made, executed or delivered;

- (b) "Corporation" shall mean the Girls' Home and the Protestant Orphans' Home amalgamated. <sup>"Corporation,"</sup>

3. The said The Girls' Home and the said The Protestant Orphans' Home are hereby amalgamated and shall be and form a new corporation under the name of the Protestant Children's Homes and shall have a corporate seal of such design as may be adopted by the directors. <sup>Merger of Institutions.</sup>

4. All property belonging to or held by or in trust for The Girls' Home and The Protestant Orphans' Home respectively shall from and after the coming into force of this Act, be held, used and administered or sold by the corporation subject to the provisions of this Act, and to any trust upon which the said property may have been held, and all property within this Province hereafter acquired for or belonging to or held by or in trust for or to the use of the said The Girls' Home and the said The Protestant Orphans' Home shall be held, used and administered or sold for the benefit of this corporation, including the subject matter of any devise, bequest, transfer or gift, but subject to any special trusts declared in respect thereof. <sup>Vesting of property.</sup>

5. The object of the corporation is to afford shelter, relief, support and education for unfortunate protestant children of the City of Toronto as it shall from time to time exist, or from elsewhere at the will of the board, and to afford religious and moral instruction thereto. <sup>Objects.</sup>

6. Fifteen of the present directors or directresses of The Girls' Home and fifteen of the directors or directresses of The Protestant Orphans' Home to be chosen by the present board of each institution respectively shall be the first Board of Directors of this corporation and known as such, whether men or women, notwithstanding any irregularity in their appointment, and the directors may at any time after the passing of this Act elect from among themselves a president, one or more vice-presidents, a chairman, a secretary, a treasurer, or secretary-treasurer, and any other officers, and those officers shall act until such time as a new board of directors is elected and upon such new board being elected such new board shall appoint from among its members said

officers and thereafter a new election of directors shall be made in each year, and such new directors may appoint from time to time the said officers. The election of new directors shall be held at the annual meeting or any other meeting of directors by ballot or otherwise and those eligible for the positions of directors shall be the then members of the board or persons nominated by any director.

Term of  
office of  
directors.

**7.** The directors so appointed shall serve for one year and until their successors are elected, and shall be eligible for re-election.

Employees.

**8.** The directors may engage a secretary and other employees at such salary or remuneration as shall be fixed by the directors.

Powers of  
corporation.

**9.** The corporation shall have power to enforce in the name of either of the amalgamated institutions or in its own name any and all rights and powers which either of the said institutions now have and shall be subject to any obligations of the respective institutions with power to receive any and all devises, bequests or gifts which have or may be bequeathed, devised or given to either of the said institutions, and such devises, bequests or gifts shall be deemed to be made to the said corporation, and the said corporation shall have power to continue in the name of either of the said institutions litigation or contracts pending at the time of the coming into force of this Act.

Responsi-  
bility of  
directors.

**10.** The directors shall not be responsible for the failure of any investment or security made or taken by the corporation or for anything done in connection with the administration of the affairs of the corporation except for his or her own acts or defaults, but shall account for all monies actually coming to his or her hands and shall not be liable for any injury done by others to the property of the corporation or any part thereof.

Directors'  
and other  
powers.

**11.** The affairs of the corporation shall be managed by a board of not less than fifteen or more than thirty directors, of whom five shall form a quorum. The board shall have power to enact by-laws and to do any other act necessary or convenient for carrying on the affairs of the corporation and the management thereof and to re-enact, alter or amend or repeal the same and to attach thereto or to any deed or document the corporate seal and to designate from time to time any person or persons to so attach the corporate seal and to execute same on behalf of the corporation. Provided, however, that such by-laws, alterations or amendments shall not be contrary to law or the provisions of this Act.



**1** . The directors may by resolution delegate any of their powers excepting the powers of enacting, re-enacting, repealing, altering or amending by-laws to one or more executive committees each consisting of not less than three members to be appointed by the directors from their number, and the board of directors may appoint to any such committees, persons other than directors to act in an advisory capacity.

Directors may delegate certain powers.

**13.** No loan shall be made by the corporation to any director or other officer of the corporation and if such loan is made, all directors and other officers of the corporation making the same or assenting thereto shall be jointly and severally liable to the corporation for the amount thereof.

No loans to directors, etc.

**14.** The corporation may invest any of its funds in such securities as trustees are permitted to invest in pursuant to *The Trustee Act*.

Investments and supplementary powers.

Rev. Stat c. 121.

**15.**—(1) The said corporation may acquire and hold by purchase, gift, devise, bequest or otherwise any land and personal property, for the purposes of the corporation and may mortgage, sell, lease or otherwise dispose of the same.

Powers to acquire and hold property.

(2) The provisions of this Act shall be subject to those of *The Mortmain and Charitable Uses Act* except that the period within which the lands shall be sold shall be seven years instead of two years and that it shall not be necessary to sell any land now or hereafter acquired which is actually and *bona fide* held, used or occupied for the purposes of the corporation.

Application of Rev. Stat. c. 103.

**16.** This Act shall come into force on the day upon which it receives the Royal Assent.

Commencement of Act.

## CHAPTER 120.

## An Act respecting the Ottawa Police Benefit Fund Association.

*Assented to 8th April, 1926.*

## Preamble.

**W**HEREAS the Ottawa Police Benefit Fund Association was incorporated under the provisions of an Act known as *An Act respecting Benevolent, Provident and other Societies* being chapter 211 of the Revised Statutes of Ontario, 1897 by application to the County Court Judge of the county of Carleton, filed the 11th day of March, A.D. 1907; and whereas societies so incorporated were by the terms of the said Act prohibited from undertaking or effecting contracts of insurance within the intent of *The Ontario Insurance Act*; and whereas the said association has nevertheless assumed the authority to effect contracts of insurance with its members and to grant mortuary and other benefits within the meaning of *The Ontario Insurance Act*; and whereas it is desirable that the authority of the association to undertake any class of insurance for which a fraternal society may be licensed under the provisions of *The Ontario Insurance Act, 1924*, and to be licensed as a fraternal society under the said Act and to be authorized to make such readjustments in its rates and benefits as are necessary to enable it to meet its contracts as they mature should be confirmed; and whereas it is expedient to grant the prayer of the said petition;

1924, c. 50.

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

## Short title.

**1.** This Act may be cited as *The Ottawa Police Benefit Fund Association Act, 1926*.

Authority to undertake fraternal insurance under The Ontario Insurance Act, confirmed.

**2.** Notwithstanding anything contained in *An Act respecting Benevolent, Provident and other Societies* being chapter 211 of the Revised Statutes of Ontario, 1897, or in any other special or general Act, or anything contained in the existing constitution, rules and regulations of The Ottawa Police Benefit Fund Association, the said association shall have authority

and

and shall be deemed to have had since its incorporation, authority to undertake any class of insurance for which a fraternal society may be licensed under the provisions of *The Ontario Insurance Act, 1924*, and is hereby declared entitled 1924, c. 50. to be licensed as a fraternal society under the said Act.

3. The governing executive authority of the association may by amendment to the constitution, rules and regulations of the association, make such readjustments of the rates and benefits as are necessary in the opinion of the actuary of the association, to provide for the payment of the contracts of the association at maturity, and such amendments shall be binding upon the members of the association and upon their beneficiaries or legal representatives and upon all persons deriving legal rights from any member or beneficiary, notwithstanding anything contained in the constitution, rules and regulations of the association before such amendments, or in any contract, policy or certificate of insurance heretofore or hereafter issued by the association. Authority to re-adjust rates and amend constitution.

4. Except where inconsistent with the provisions of this Act, the provisions of *The Ontario Insurance Act, 1924*, and amendments thereto, applicable to fraternal societies, the membership of which is limited by their constitution or laws to municipal employees, shall apply to the association. Application of provisions, 1924, c. 50.



## CHAPTER 121.

## An Act respecting The British Mortgage Loan Company of Ontario.

*Assented to 8th April, 1926.*

## Preamble.

**W**HEREAS The British Mortgage Loan Company of Ontario has by its petition represented that it was incorporated as a loan corporation by Letters Patent of the Province of Ontario, dated the 5th day of October, 1877, issued under Revised Statutes of Ontario 1877, chap. 150, and that its present paid-up capital is \$570,200, with a reserve of \$610,000; and whereas the company has by its petition represented that it is desirous of obtaining power to carry on the business of a trust company under *The Loan and Trust Corporations Act* and amendments thereto, and of surrendering its powers to carry on business as a loan corporation under the said Act, and of changing its name to The British Mortgage and Trust Corporation of Ontario; and whereas the company has prayed that an Act be passed for such purposes; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Change  
of name

**1.** The name of The British Mortgage Loan Company of Ontario is hereby changed to The British Mortgage and Trust Corporation of Ontario.

Power to  
act as trust  
company

Rev. Stat.  
c. 184.

**2.** The company upon registration as hereinafter provided, shall be and it is hereby authorized and empowered to carry on business as a trust company under *The Loan and Trust Corporations Act* and amendments thereto, and to exercise all of the powers set out in clauses (a) to (k) inclusive of subsection 1 of section 18 of *The Loan and Trust Corporations Act*, and all the other powers, rights and privileges which a trust company may exercise under *The Loan and Trust Corporations Act* and amendments thereto.

3. Save as hereinafter provided, the company shall not after registration as a trust company exercise the powers of a loan corporation under the said *The Loan and Trust Corporations Act* in so far as such powers exceed or differ from those conferred upon a trust company by the said Act.

Power as loan company to cease with exceptions.  
Rev. Stat. c. 134.

4. The company shall definitely set aside and ear-mark in respect of its debentures, outstanding from time to time, securities, including loans upon securities, authorized as trustee investments under *The Trustee Act*, equal to the full aggregate amount thereof. The company shall not issue any further debentures or renew any of its outstanding debentures.

Securities as guarantee of debentures.  
Rev. Stat. c. 121.

5. Notwithstanding that the company has issued and outstanding debentures the Lieutenant-Governor in Council may approve the company being accepted as a trust company for the purposes of the Supreme Court of Ontario as provided in section 20 of *The Loan and Trust Corporations Act*.

Approval of company as trust company for court purposes.

6. After registration as a trust company, the company shall not have power to take deposits by way of borrowing moneys, and all deposits then held by the company shall be held by it as trustee for the several depositors, and repayment thereof shall by virtue of this Act be guaranteed by the company, and there shall be ear-marked and definitely set aside in respect of such deposits, securities including loans upon securities or cash, including money on deposit with any chartered bank and securities, including loans upon securities equal to the aggregate amount thereof.

Restrictions as to taking deposits.

7.—(1) Upon the company complying with the provisions of this Act, the Registrar of Loan Corporations shall cause the company to be registered in the Trust Companies Register, and thereupon the company shall, except as hereinafter otherwise provided, comply with and be subject to the provisions of the said *The Loan and Trust Corporations Act* applicable to trust companies incorporated pursuant to the said Act.

Registration as trust company.

(2) Upon registration of the company as a trust company, the registrar shall cancel the registration of the company as a loan corporation.

Cancellation of registration as loan corporation.

8. This Act shall come into force on the day upon which it receives the Royal Assent.

Commencement of Act.

## CHAPTER 122.

## An Act respecting C. M. &amp; G. Canadian Investments, Limited.

*Assented to 8th April, 1926.*

Preamble.

**W**HEREAS C. M. & G. Canadian Investments, Limited (hereinafter called "the Company") has by its petition represented that it was incorporated by Letters Patent issued under *The Ontario Companies Act*, dated 13th January, 1926, with power,—

Rev. Stat.  
c. 178.

"To acquire, buy, sell, loan money on and take as security lands, mortgages and other securities";

and whereas doubts have arisen as to the validity of the said powers; and whereas it is desirable to confirm the incorporation of the said company and the powers granted in the said Letters Patent; and whereas the company has prayed that an Act may be passed for such purposes; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incor-  
poration  
confirmed.  
Rev. Stat.  
c. 178.

**1.** The incorporation of the said company under *The Ontario Companies Act* is hereby confirmed and validated.

Powers  
of company.  
Rev. Stat.  
c. 184.

**2.** Notwithstanding the provisions of *The Loan and Trust Corporations Act*, the said company is hereby authorized,—

(a) To acquire, buy, sell, loan money on and take as security lands, mortgages and other securities; and

(b) For the purposes aforesaid to borrow money from Clerical, Medical & General Life Assurance Society, or such persons as may from time to time be the company's bankers.

Power  
to enforce  
securities.

**3.** The company is hereby authorized to enforce any mortgage or other securities acquired by it according to the terms and conditions thereof.



4. The number of shareholders in the said company shall not exceed twenty-five persons. Number of shareholders.

5. The company is hereby prohibited from borrowing money from any other persons or corporations and from receiving moneys on deposit and from issuing bonds and debentures. Certain acts prohibited.

6. The company shall be deemed to be a loan corporation for the purposes of *The Corporations Tax Act*. To be deemed a Loan Corporation for certain purposes.

7. This Act shall come into force on the day upon which it receives the Royal Assent. Commencement of Act.

## CHAPTER 123.

## An Act respecting The Grey &amp; Bruce Loan Company and The Owen Sound Loan &amp; Savings Company.

*Assented to 8th April, 1926.*

## Preamble.

**W**HEREAS The Grey & Bruce Loan Company and The Owen Sound Loan & Savings Company have by their joint petition represented that they are registered loan corporations, within the meaning of *The Loan and Trust Corporations Act*; and whereas the said corporations have by their petition represented that under and by virtue of a certain agreement in writing, dated the 2nd day of January, A.D. 1926 (hereinafter called the agreement) and made between the said corporations, the said corporations mutually agreed to amalgamate subject to the terms and conditions in the said agreement set forth, and to form a new corporation, to be called The Grey & Bruce Trust & Savings Company, having all the powers and privileges of a trust corporation, within the meaning of *The Loan and Trust Corporations Act*; and whereas the said corporations have by their petition, represented that the said agreement has been duly ratified and confirmed by two-thirds vote of all the shareholders of each corporation, representing not less than two-thirds in value of its paid in capital at a special general meeting of the shareholders of each corporation held after due notice thereof, together with a copy of the said agreement, had been sent to each shareholder at his last known address six weeks before the date of the said meetings and had been published in the Owen Sound *Sun-Times*, a daily newspaper, published in the City of Owen Sound, once a week for six successive weeks; and whereas the said corporations have by their petition represented that they are desirous of amalgamating and forming a new corporation to be called The Grey & Bruce Trust & Savings Company and are further desirous of surrendering their powers to carry on business as loan corporations, under the said Act and of obtaining power for the new corporation to carry on the business of a trust corporation, within the meaning of *The Loan and Trust Corporations Act*; and whereas the said corporations have prayed that an Act be passed validating, ratifying and confirming the said agreement, amalgamating the said corporations, constituting the new or

amalgamated

amalgamated corporation, a corporation under the name of The Grey & Bruce Trust & Savings Company and granting to the new corporation all the powers and privileges of a trust corporation, within the meaning of *The Loan and Trust Corporations Act*; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The agreement dated the 2nd day of January, 1926, and made between The Grey & Bruce Loan Company of the one part, and The Owen Sound Loan & Savings Company of the other part, and which is set forth in full in schedule 1 hereto is hereby ratified and confirmed and declared to be legal, valid and binding upon the said corporations and the shareholders thereof. Agreement for amalgamation, confirmed.
2. The Grey & Bruce Loan Company and The Owen Sound Loan & Savings Company are hereby amalgamated subject to the terms and conditions in the said agreement set forth, into one corporation. Declaration as to amalgamation.
3. The amalgamated corporation shall be a new corporation (hereinafter called the new corporation) within the meaning of *The Loan and Trust Corporations Act*, and the name of the new corporation shall be "The Grey & Bruce Trust & Savings Company," and its head office shall be the City of Owen Sound. New corporation, name and head office.
4. The authorized capital of the new corporation shall be one million dollars, divided into twenty thousand (20,000) shares of common stock of the par value of fifty dollars (\$50) each. Capital stock.
5. There shall be a board of directors consisting of twelve (12) members who shall hold office for one year, or until their successors are elected, and the following shall be the first directors: Robert Wightman, Gentleman; John Parker, County Treasurer; George S. Kilbourn, Manufacturer; James Gardner, Gentleman; William H. Taylor, Optician; Dr. W. G. Dow, Physician; William S. Middlebro, King's Counsel; Michael Forhan, Gentleman; James C. Kennedy, Builder; Francis H. Kilbourn, Barrister-at-Law; Christopher A. Fleming, Chartered Accountant, all of the City of Owen Sound in the County of Grey; and William Gardner, Gentleman, of the Town of Meaford, in the County of Grey. Directors.
6. The directors shall elect from their own number a president, and two vice-presidents and shall appoint a manager Officers.

and



and such other officers as may be deemed necessary for the proper carrying on of the affairs of the corporation.

Changing  
number of  
directors.

**7.** Notwithstanding the provisions of the two next preceding sections, the shareholders of the new corporation shall have power to pass by-laws changing the number of the directors and the officers of the corporation and generally shall have the same powers to pass by-laws as a trust corporation, within the meaning of *The Loan and Trust Corporations Act*.

Assets and  
liabilities.

**8.** All the assets real and personal of every kind and nature whatsoever of the amalgamating corporations are hereby vested in and all the liabilities of the said amalgamating corporations are hereby imposed on the new corporation.

Carrying on  
business as  
trust com-  
pany.

**9.** The new corporation, upon registration as hereinafter provided, shall be and it is hereby authorized and empowered to carry on the business of a trust company under *The Loan and Trust Corporations Act* and amendments thereto, and to exercise all of the powers set out in clauses *a* to *k* inclusive of subsection 1 of section 18 of *The Loan and Trust Corporations Act* and all the other powers, rights and privileges which a trust company may exercise under *The Loan and Trust Corporations Act* and amendments thereto.

Limitation  
on powers as  
loan cor-  
poration.

**10.** Save as hereinafter provided, the new corporation shall not, after registration as a trust company, exercise the powers of a loan corporation under the said *The Loan and Trust Corporations Act* in so far as such powers exceed or differ from those conferred upon a trust company by the said Act.

Earmarking  
securities  
to cover  
outstanding  
debentures.

**11.** The new corporation shall definitely set aside and earmark in respect of all the debentures of the amalgamating corporations outstanding from time to time, securities, including loans upon securities, authorized as trustee investments under *The Trustee Act*, equal to the full aggregate amount thereof. The new corporation shall not issue any further debentures or renew any of its outstanding debentures.

Approval of,  
as trust  
company.

**12.** Notwithstanding that the new corporation has outstanding debentures, the Lieutenant-Governor in Council may approve the new corporation being accepted as a trust company for the purposes of the Supreme Court of Ontario as provided in section 20 of *The Loan and Trust Corporations Act*.

Power  
to take  
deposits.

**13.** After registration as a trust company, the new corporation shall not have power to take deposits by way of borrowing moneys, and all deposits then held by the new

corporation

corporation shall be held by it as trustee for the several depositors and repayment thereof shall by virtue of this Act be guaranteed by the new corporation, and there shall be earmarked and definitely set aside in respect of such deposits, securities, including loans upon securities or cash including money on deposit with any chartered bank, and securities including loans upon the securities, equal to the aggregate amount thereof.

**14.** Upon the new corporation complying with the provisions of this Act, the Registrar of Loan Corporations shall cause the new corporation to be registered in the Trust Companies Register, and thereupon the company shall, except as herein otherwise provided, comply with and be subject to the provisions of *The Loan and Trust Corporations Act*, applicable to trust companies incorporated pursuant to the said Act.

Registration  
as trust  
company.

**15.** Upon the registration of the new corporation as a trust corporation, the registrar shall cancel the registration of the amalgamating corporations as loan corporations.

Cancellation  
of registra-  
tion as loan  
corporations.

**16.** This Act shall come into force on the day upon which it receives the Royal Assent.

Commence-  
ment of  
Act.

## SCHEDULE 1.

Memorandum of Agreement made (in duplicate) this second day of January, A.D. 1926.

BETWEEN:

GREY & BRUCE LOAN COMPANY, of the City of Owen Sound in the County of Grey, hereinafter called the Corporation,  
of the first part,  
—and—

THE OWEN SOUND LOAN & SAVINGS COMPANY, of the said City of Owen Sound, hereinafter called the Corporation,  
of the second part.

Whereas, the Grey & Bruce Loan Company is a registered corporation, within the meaning of *The Loan and Trust Corporations Act*, having its Head Office in the City of Owen Sound, in the County of Grey.

And whereas, the Owen Sound Loan & Savings Company is also a registered corporation, within the meaning of *The Loan and Trust Corporations Act*, and has its Head Office in the said City of Owen Sound.

And whereas the Boards of Directors of the said Corporations have agreed to amalgamate the said Corporations into a new corporation to be called the Grey & Bruce Trust and Savings Company, subject to the terms and conditions hereinafter set forth; and to petition the Legislature of the Province of Ontario for an Act confirming the amalgamation and granting to the new or continuing Corporation all the powers of a Trust Company, within the meaning of the said Act.

Witnesseth,

Witnesseth, that in consideration of the premises and the mutual covenants and agreements hereinafter contained, the said corporations mutually covenant and agree as follows:

(1) The Grey & Bruce Loan Company and The Owen Sound Loan & Savings Company shall be merged into one Corporation.

(2) The name of the new corporation shall be The Grey & Bruce Trust & Savings Company (hereinafter called the new corporation) and the Head Office of the new corporation shall be the City of Owen Sound in the County of Grey.

(3) The authorized capital of the new corporation shall be One Million Dollars, divided into Twenty Thousand Shares of Common Stock of the par value of Fifty Dollars (\$50.00) each.

(4) There shall be a Board of Directors which shall hold office for one year, or until their successors are elected, consisting of twelve members and the following shall be the first Directors: Robert Wightman, John Parker, George S. Kilbourn, James Gardner, William H. Taylor, Dr. W. G. Dow, Wm. Soro Middlebro', William Gardner, Michael Forhan, James C. Kennedy, Francis H. Kilbourn and C. A. Fleming.

(5) The Directors shall elect from their own number a President, and two Vice-Presidents and shall appoint a manager and such other officers as may be deemed necessary for the proper carrying on of the affairs of the Corporation.

(6) The paid-up Capital Stock of The Grey & Bruce Loan Company of the par value of \$50.00 shall be converted into the Capital Stock of the new corporation by giving for each share of the said Grey & Bruce Loan Company stock, duly surrendered, one share in the new corporation, of the par value of Fifty Dollars (\$50.00) and the sum of \$2.50 cash.

(7) The paid-up Capital Stock of the Owen Sound Loan & Savings Company of the par value of \$100.00 shall be converted into the Capital Stock of the new corporation by giving for each share of the said Owen Sound Loan & Savings Company stock, duly surrendered, up to 1,000 shares, two shares of the par value of \$50.00 in the new corporation. The remaining shares, of the said Owen Sound Loan & Savings Company shall be purchased for cash at not more than par. And the Owen Sound Loan & Savings Company hereby undertakes and agrees that it will secure and sell to the new corporation all shares over and above 1,000 at not more than par.

(8) The new corporation shall take over all assets, real and personal of the amalgamating corporations and shall assume all the liabilities thereof.

(9) The amalgamating corporations hereby mutually covenant and agree that each of them will duly transfer and assign all its assets and undertakings, real and personal, to the new corporation.

(10) It is further mutually covenanted and agreed that neither of the amalgamating corporations shall declare a greater dividend than the usual dividend of 6% for the year 1925.

(11) The Boards of Directors of the amalgamating corporations shall at once proceed to obtain the approval of the Shareholders of their respective Companies to enter into this Agreement and in obtaining such approval, the provisions of *The Loan and Trust Corporations Act*, dealing with the obtaining of the consent of the Shareholders to amalgamation shall be as far as notice of the meeting, and the vote required is concerned, followed.

(12) The amalgamating corporations shall immediately jointly petition the Legislature of the Province of Ontario for an act approving and confirming this Agreement, constituting the amalgamating corporations, a corporation under the name of The Grey & Bruce Trust & Savings Company and granting to the new corporation all the powers and privileges of a Trust Company, within the meaning of *The Loan and Trust Corporations Act*.



(13) It is further understood and agreed that this Agreement is provisional only, and is conditioned upon the consent of the Shareholders of both the amalgamating corporations being obtained, as set out in Paragraph Eleven hereof—and is further subject to the necessary legislation being obtained to confirm the Agreement and constitute the new corporation a trust corporation as set out in Paragraph Twelve hereof.

In witness whereof the Parties hereto have hereunto affixed their Corporate Seals, attested to by the hands of their proper officers in that behalf.

THE GREY & BRUCE LOAN CO.,

SIGNED, SEALED AND DELIVERED  
IN THE PRESENCE OF  
[SEAL].

ROBT. WIGHTMAN, *President.*  
W. M. TELFORD, *Manager.*

THE OWEN SOUND LOAN & SAVINGS CO.,

[SEAL].

M. FORHAN, *President.*  
C. A. FLEMING, *Manager.*

## CHAPTER 124.

An Act to incorporate the Association of  
Accountants and Auditors in Ontario.*Assented to 8th April, 1926.*

## Preamble.

**W**HEREAS Herbert William Kendall of the city of Hamilton; Robert Ramsay MacLachlan of the city of St. Catharines; Edwin Austin Sleeman of the city of Guelph; Frederick Thomas Sudbury of the city of Toronto; Frederick Harding of the city of Hamilton; Thomas Hudson Frankling of the city of Toronto; Edward Jewell Saint Wallwork of the city of Toronto; Walter Donald Inrig of the city of Kitchener; Samuel Robert Cruickshank of the city of St. Catharines; William Young Denison of the city of Ottawa; James Beaton Watson of the city of Ottawa; Frederick William Frank of the city of Brantford; John Gillie Moncreiff of the city of Windsor; William MacMillan of the city of Galt; and Jean Burnett McBride of the city of Hamilton, have by their petition represented that they are practising as accountants and auditors in Ontario and are desirous of being incorporated under the name of "The Association of Accountants and Auditors in Ontario" for the purpose of increasing the knowledge, skill and proficiency of its members in all things relating to the business or profession of an accountant or auditor and of regulating and controlling the conduct of its members and of disciplining any member for misconduct in the practice of his business or profession and for the purpose of carrying out the objects of the association; and whereas the said petitioners have by their petition prayed that an Act may be passed for such purposes; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

## Short title.

1. This Act may be cited as *The Association of Accountants and Auditors Act, 1926.*

Incor-  
poration.

2. The persons named in the preamble and such other persons as may hereafter become members of the association

are

are hereby constituted a body politic and corporate under the name of "The Association of Accountants and Auditors in Ontario" hereinafter called "the Association."

3. The association may acquire, take and hold such real property as is actually required for its purposes and may sell, mortgage, lease or otherwise dispose of the same. <sup>Power to hold land.</sup>

4. The general objects of the association shall be to furnish means and facilities by which its members may increase their knowledge, skill and proficiency in all things relating to the business or profession of an accountant or an auditor and to hold such examinations and prescribe such tests of competency as may be deemed expedient to qualify for admission to membership and to discipline any member guilty of any default or misconduct in the practice of his business or profession. <sup>Objects.</sup>

5. The association may establish lectures and classes for students in accounts, or may enter into agreements with the governing body of any university or college in Ontario for the attendance of students in accounts at such lectures or classes in such university or college as may come within the course of subjects prescribed by the by-laws of the association. <sup>Power to establish lectures and classes.</sup>

6. The association may establish and administer a benevolent fund for the benefit of any members or the families of deceased members who may require financial assistance and for that purpose may make and receive contributions and donations. <sup>Benevolent Fund.</sup>

7.—(1) The affairs and business of the association shall be managed and controlled by a board of governors hereinafter called "the Board" consisting of fifteen members. <sup>Board of Governors.</sup>

(2) The persons named in the preamble shall be the first members of the board and shall hold office until the first annual general meeting of the association or until their successors have been elected. <sup>First members of Board, — duration of office.</sup>

(3) The members of the board elected at the first annual general meeting of the association shall hold office for one year and until their successors are elected at the second annual general meeting and thereafter the members elected shall hold office for such term as may be fixed by by-law. <sup>Term of office.</sup>

(4) When a vacancy occurs in the membership of the board from any cause, the board shall appoint some other member of the association to fill the vacancy. <sup>Vacancies.</sup>



**Officers.**

(5) The board shall elect from its members a president, a first and second vice-president and a secretary-treasurer.

**First annual meeting.**

8. The first annual general meeting of the members of the association shall be held in the city of Toronto within six months after this Act comes into force at a date and place to be fixed by the board and notice of such meeting shall be inserted in the *Ontario Gazette* and in a daily newspaper published in the city of Toronto at least ten days before the date of the meeting.

**Power to pass by-laws.**

9.—(1) The board may pass by-laws, which however shall not come into force until approved of at an annual general meeting of the association or at a special meeting thereof called for the purpose of considering the same,—

**Curriculum and course of studies.**

(a) To prescribe a curriculum and the courses of studies to be pursued by students in accounts and the subjects upon which students and candidates for admission as members shall be examined and for granting certificates to students and candidates who have successfully passed the examinations;

**Appointment of examiners.**

(b) For the appointment of examiners for the purpose of ascertaining and reporting upon the qualifications of candidates for membership and students in accounts and for defining their duties and fixing their remuneration;

**Regulating conduct of members.**

(c) Regulating and governing the conduct of its members in the practice of their business or profession, including the suspension or expulsion of any member for misconduct or violation of the rules or by-laws of the association;

**Fees.**

(d) Fixing the examination fees to be paid by candidates and the annual fees to be paid by members;

**Procedure.**

(e) Governing the election of members of the board and fixing the procedure to be adopted at meetings; and generally

**For other purposes.**

(f) For the better carrying out of the purposes and objects of this Act.

(2) Any such by-law may be annulled by the Lieutenant-Governor in Council.

**Right of persons to try examinations on application.**

10. Any person over twenty-one years of age and of good moral character, residing in Ontario, upon making written application to the board at least thirty days before the holding

of the examination for admission to membership and upon paying the prescribed examination fees shall have the right to try such examination.

**11.** The following persons shall be admitted to membership,— Who may be admitted as members.

- (a) Students in accounts and candidates who have passed the prescribed examination;
- (b) Members of any incorporated association or body of accountants or auditors having similar objects and purposes, under such conditions as the board shall deem proper;
- (c) Any person who gives notice in writing to the secretary within three months after the date on which this Act comes into force that he desires to become a member and who proves to the satisfaction of the board that he is over twenty-one years of age, of good moral character and that he resided in Ontario and had practised as an accountant or auditor in Ontario for not less than five years immediately preceding the date on which this Act came into force and in particular that he is qualified to be admitted as a member by reason of his educational status and his knowledge, proficiency, skill and experience in all matters relating to the business or profession of an accountant or auditor.

**12.**—(1) Every member of the association shall have the right to use the designation "Licentiate in Accountancy" and may also use after his name the initials "L.A." indicating that he is a "Licentiate in Accountancy," and no person shall be entitled to take or use the designation "Licentiate in Accountancy" or the initials "L.A." or any name, title or description implying that he is a member of the association unless he is a member in good standing and registered as such. Right to use name "Licentiate in Accountancy."

(2) Any person who contravenes the provisions of sub-section 1 shall incur a penalty not exceeding \$25 for each offence recoverable under *The Ontario Summary Convictions Act*. Penalty.

(3) Every such penalty shall forthwith upon the recovery thereof be paid over by the convicting magistrate to the secretary-treasurer of the association.

**13.** The secretary-treasurer shall keep a register in which shall be entered in alphabetical order the names of all members Register.

in good standing and those members only whose names are entered in the register shall be entitled to the privileges of membership, and such register shall at all times be open to inspection by any person free of charge.

Application  
of profit.

**14.** Any profits derived from carrying on the affairs and business of the association shall be devoted and applied solely in promoting and carrying out its objects and purposes and shall not be divided among its members.

Remun-  
eration of  
members of  
board.

**15.** The secretary-treasurer may be paid such salary as may be fixed by by-law of the association.

Right to  
practise as  
accountants  
not affected.

**16.** Nothing in this Act shall affect or interfere with the right of any person not a member of the association to practise as an accountant or auditor in Ontario.

Commence-  
ment of  
Act.

**17.** This Act shall come into force on the day upon which it receives the Royal Assent.



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Third Session, Sixteenth Legislature,  
16 George V, 1926.

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# TABLE OF PUBLIC STATUTES 1914-1926

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TABLE SHOWING THE EXISTING ACTS OF THE PROVINCE OF ONTARIO  
WITH AMENDMENTS THERETO, INCLUDING THE STATUTES OF 1926.

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NOTE.—This table has been prepared for the convenience of the public under the instructions of the Attorney-General. Each Act, with its amendments, is shown alphabetically in the table under the heading of its short title, if it has one, otherwise under its long title. Numerous subject matter or collective titles have been inserted by way of cross-reference to facilitate the finding of the different Acts.

*Abbreviations.*—aff.=affecting; am.=amending; c.=chapter; rep.=repealing; R.S.O.=Revised Statutes of Ontario; s.=section; sub.=substituting.

## A

ABSCONDING DEBTORS ACT. R.S.O. 1914, c. 82; 1919, c. 25, s. 11 am.

ABSENTEE ACT. 1920, c. 36.

ACCIDENT. *See* Fatal Accidents Act; Workmen's Compensation for Injuries Act.

ACCIDENT PREVENTION. *See* Fire; Threshing Machines Act.

ACCIDENTAL FIRES ACT. R.S.O. 1914, c. 118.

ACCOUNTANTS. *See* Chartered Accountants Act.

ACCUMULATIONS ACT. R.S.O. 1914, c. 110.

ADMINISTRATION OF ESTATES. *See* Crown Administration of Estates Act; Devolution of Estates Act; Ontario Public Trustee Act; Settled Estates Act; Succession Duty Act; Surrogate Courts Act; Trustee Act.

ADMINISTRATION OF JUSTICE EXPENSES ACT. 1926, c. 35.

ADOLESCENT SCHOOL ATTENDANCE ACT. 1919, c. 78; 1921, c. 89, s. 27 am.; 1923, c. 55 am.

ADOPTION ACT. 1921, c. 55; 1925, c. 46 am., 1926, c. 45 am.

AGENTS. *See* Factors Act.

AGRICULTURE. *See* Agricultural Associations Act; Agricultural College Act; Agricultural Development Act; Agricultural Development Finance Act; Representatives Act; Agricultural Societies Act; Consolidated Cheese Factories Act; Corn Borer Act; County Publicity Act; Dairy; Department of Agriculture Act; District Representatives Act; East Simcoe Agricultural Society; Farms Loans Act; Federal Grants for Agricultural Purposes; Grain Loans Act; Grain Trade Inquiry Act; Lennox Agricultural Society; Ontario Farm Loans Act; Protection of Pure-Bred Cattle Act; Winter Fair Act.

AGRICULTURAL ASSOCIATIONS ACT. R.S.O. 1914, c. 46; 1916, c. 24, s. 3 am.; 1920, c. 27 am.; 1921, c. 29 am.; 1926, c. 21, s. 11 am.

AGRICULTURAL COLLEGE ACT. R.S.O. 1914, c. 281; 1916, c. 24, s. 44 am.

AGRICULTURAL DEVELOPMENT ACT. 1921, c. 32; 1922, c. 36 am.; 1923, c. 15 am.; 1925, c. 30 am.

AGRICULTURAL DEVELOPMENT FINANCE ACT. 1921, c. 31.

AGRICULTURAL REPRESENTATIVES ACT. 1918, c. 19.

- AGRICULTURAL SOCIETIES ACT.** R.S.O. 1914, c. 47; 1914, c. 21, ss. 9-13 am.; 1917, c. 27, ss. 14-15 am.; 1918, c. 20, ss. 12-14 am.; 1919, c. 25, ss. 6-7 am.; 1920, c. 28 am.; 1921, c. 30 am.; 1924, c. 29 am.
- ALIENS' REAL PROPERTY ACT.** R.S.O. 1914, c. 108.
- ALLOWANCES.** *See* Mothers' Allowances Act.
- AMUSEMENTS TAX ACT.** 1916, c. 9; 1917, c. 27, ss. 64-65 am.; 1918, c. 20, ss. 54-55 am.; 1920, c. 11 am.
- AN ACT TO AUTHORIZE AND CONFIRM GRANTS BY MUNICIPAL CORPORATIONS FOR PATRIOTIC PURPOSES.** 1915, c. 37; 1916, c. 40 am.; 1917, c. 41 am.; 1918, c. 34 am.; 1919, c. 25, s. 33 am., s. 44 aff.
- AN ACT TO CONFER CERTAIN POWERS RESPECTING HOSPITALS ON THE LIEUTENANT-GOVERNOR IN COUNCIL.** 1920, c. 108.
- AN ACT TO CONFIRM AN AGREEMENT BETWEEN THE HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO, THE CITY OF TORONTO AND THE TORONTO HARBOUR COMMISSIONERS.** 1925, c. 25.
- AN ACT TO CONFIRM THE TITLE OF THE GOVERNMENT OF CANADA TO CERTAIN LANDS AND INDIAN LANDS.** 1915, c. 12.
- AN ACT TO CREATE THE TERRITORIAL AND PROVISIONAL JUDICIAL DISTRICT OF TEMISKAMING.** 1912, c. 21; 1914, c. 21, s. 1 am.; 1915, c. 20, s. 28 am.
- AN ACT TO ENABLE THE EXECUTORS OF THE LATE GEORGE TAYLOR FULFORD TO MAKE A CERTAIN GIFT OUT OF HIS ESTATE FOR PATRIOTIC PURPOSES.** 1915, c. 11.
- AN ACT FOR GRANTING TO HIS MAJESTY CERTAIN SUMS OF MONEY FOR THE PUBLIC SERVICE.** 1914, c. 1; 1915, c. 1; 1916, c. 1; 1917, c. 1; 1918, c. 1; 1919, c. 1; 1920, c. 1; 1921, c. 1; 1922, c. 1; 1923, c. 1; 1924, c. 1; 1925, c. 1; 1926, c. 1.
- AN ACT TO INCORPORATE THE ONTARIO CO-OPERATIVE DAIRY PRODUCTS, LIMITED.** 1922, c. 65.
- AN ACT TO INCORPORATE THE TOWN OF KAPUSKASING.** 1921, c. 36.
- AN ACT TO PROVIDE FOR THE PAYMENT OF AN ANNUITY TO ALICE, LADY WHITNEY.** 1915, c. 9.
- AN ACT FOR RAISING MONEY ON THE CREDIT OF THE CONSOLIDATED REVENUE FUND OF ONTARIO.** 1914, c. 9; 1915, c. 4, c. 5, s. 5 am.; 1916, c. 2; 1917, c. 2; 1918, c. 2; 1919, c. 2; 1920, c. 6; 1921, c. 7; 1922, c. 8; 1923, c. 2; 1924, c. 9; 1925, c. 2; 1926, c. 6.
- AN ACT TO REDUCE PROPERTY QUALIFICATIONS OF CANDIDATES FOR MEMBERSHIP IN MUNICIPAL COUNCILS.** 1920, c. 59.
- AN ACT RESPECTING CERTAIN BEQUESTS OF THE LATE GEORGE CUMMINGS BUTLER DWYER BROPHY.** 1915, c. 10.
- AN ACT RESPECTING THE FILING OF CLAIMS AGAINST CERTAIN COMPANIES OR THEIR PROPERTIES.** 1922, c. 33.
- AN ACT RESPECTING WORKS AND MEASURES TO RELIEVE UNEMPLOYMENT.** 1922, c. 41.
- ANATOMY ACT.** R.S.O. 1914, c. 162.
- ANDREW MERCER REFORMATORY ACT.** R.S.O. 1914, c. 288; 1919, c. 83, ss. 9-10 am.
- ANIMALS.** *See* Brand Act; Dog Tax and Sheep Protection Act; Entry of Horse at Exhibition Act; Injured Animals Act; Ontario Game and Fisheries Act; Ontario Stallion Act; Protection of Pure-Bred Cattle Act.
- APPEALS.** *See* Privy Council Appeals Act.
- APPORTIONMENT ACT.** R.S.O. 1914, c. 156.
- APPRENTICES AND MINORS ACT.** R.S.O. 1914, c. 147.
- ARBITRATION.** *See* Arbitration Act; Boards of Trade General Arbitration Act; Damage by Fumes Arbitration Act.
- ARBITRATION ACT.** R.S.O. 1914, c. 65.
- ARCHITECTS.** *See* Ontario Architects Act.
- ARCHIVES ACT.** 1923, c. 20.
- ARREST.** *See* Fraudulent Debtors' Arrest Act.
- ART GALLERY OF TORONTO.** 1919, c. 25, s. 1 aff.
- ASSEMBLY.** *See* Legislative Assembly Act.
- ASSESSMENT ACT.** R.S.O. 1914, c. 195; 1914, c. 2, s. 4, c. 34 am.; 1915, c. 36 am.; 1916, c. 6, s. 2, c. 24, s. 28 aff.; c. 41 am.; 1917, c. 4, s. 1, c. 7, s. 5, c. 43, s. 2, c. 45 am.; 1918, c. 20, ss. 37-40 am.; 1919, c. 50 am.; 1920, c. 63 am., c. 79 am.; 1921, c. 67 am.; 1922, c. 74, ss. 6-7 am., c. 78 am.; 1923, c. 45 am.; 1924, c. 59 am.; 1925, c. 62 am.; 1926, c. 3, s. 13 (3) aff., c. 55 am.

ASSIGNMENT OF BOOK DEBTS ACT. 1923, c. 29; 1925, c. 37 am.  
 ASSIGNMENTS AND PREFERENCES ACT. R.S.O. 1914, c. 134; 1914, c. 21, s. 29 am.  
 ASSURANCES OF ESTATES TAIL. *See* Estates Tail Act.  
 ATHLETIC COMMISSION ACT. 1920, c. 30; 1921, c. 88 am.; 1923, c. 19 am.  
 ATHLETICS. *See* Community Halls Act.  
 AUCTIONEERS. *See* Provincial Auctioneers' License Act.  
 AUDIT ACT. R.S.O. 1914, c. 23; 1914, c. 2, s. 4, c. 21, ss. 6-7 am.; 1917, c. 27, s. 6 am.; 1921, c. 9 am.; 1925, c. 11 am.; 1926, c. 35, s. 17 (3) aff.  
 AUSTRIA-HUNGARY: PAYMENT OUT OF COURT OR BY EXECUTORS. 1914, c. 21, s. 67.  
 AUXILIARY CLASSES ACT. 1914, c. 49; 1917, c. 62 am.

## B

BANTING AND BEST MEDICAL RESEARCH ACT, 1923, c. 56.  
 BARBERRY SHRUB ACT. R.S.O. 1914, c. 255.  
 BARRISTERS ACT. R.S.O. 1914, c. 158.  
 BEACH PROTECTION ACT. R.S.O. 1914, c. 244; 1920, c. 91 am.; 1922, c. 94 am.  
 BEACHES AND RIVER BEDS ACT. R.S.O. 1914, c. 245.  
 BED OF NAVIGABLE WATERS ACT. R.S.O. 1914, c. 31.  
 BEES. *See* Bee Diseases Act; Bee Protection Act; Foul Brood Act; Swarms of Bees Act.  
 BEE DISEASES ACT. 1920, c. 95.  
 BEE PROTECTION ACT. R.S.O. 1914, c. 257; 1914, c. 21, s. 54 am.; 1916, c. 24, s. 33 am.  
 BELGIUM: PAYMENT OUT OF COURT OR BY EXECUTORS. 1914, c. 21, s. 67.  
 BELMONT. *See* Agricultural Societies Act.  
 BEQUESTS TO TREASURER OF ONTARIO. 1915, c. 20, s. 25.  
 BETTING INFORMATION ACT. 1923, c. 5.  
 BILLIARD ROOMS. *See* Minors' Protection Act.  
 BILLS OF SALE AND CHATTEL MORTGAGE ACT. R.S.O. 1914, c. 135; 1916, c. 24, s. 22 am.; 1921, c. 50 am.; 1925, c. 35 am.  
 BIRDS. *See* Birds' Protection Act; Protection of Birds Act.  
 BIRDS' PROTECTION ACT. 1918, c. 50; 1919, c. 25, s. 40 am.  
 BIRTHS. *See* Vital Statistics Act.  
 BOARD OF EDUCATION ACT. *See* Boards of Education Act; Toronto Board of Education Act.  
 BOARD OF PAROLE. *See* Ontario Parole Act.  
 BOARD OF POLICE COMMISSIONERS FOR COUNTIES. 1914, c. 21, s. 24.  
 BOARDS OF EDUCATION ACT. R.S.O. 1914, c. 269; 1914, c. 21, s. 61 am.; 1915, c. 43, s. 11 am.; 1917, c. 27, s. 50, c. 61 am.; 1919, c. 6, s. 2 aff.; 1920, c. 99, s. 7 am.; 1922, c. 98, s. 23 am.; 1925, c. 78, ss. 14, 15 am.  
 BOARDS OF TRADE GENERAL ARBITRATION ACT. R.S.O. 1914, c. 66.  
 BOOK DEBTS. *See* Assignment of Book Debts Act.  
 BOILERS. *See* Steam Boilers Act.  
 BONUS LIMITATION ACT. 1924, c. 56.  
 BOUNDARY LINE DISPUTE ACT. R.S.O. 1914, c. 67; 1926, c. 21, s. 13 rep.  
 BOUNTY. *See* Metal Refining Bounty Act.  
 BOYS' WELFARE ACT. 1925, c. 80.  
 BRAND ACT. 1919, c. 70.  
 BREAD SALES ACT. R.S.O. 1914, c. 224; 1917, c. 53 am.; 1918, c. 43 am.  
 BREWERS. *See* Distillers' and Brewers' Business Assessment Act.  
 BROKERS' REGISTRATION ACT. 1924, c. 49.  
 BROPHY. *See* An Act Respecting Certain Bequests of the late George Cummings Butler Dwyer Brophy, 1915, c. 10.  
 BUILDING TRADES PROTECTION ACT. R.S.O. 1914, c. 228; 1916, c. 13 aff.  
 BULK SALES ACT. 1917, c. 33; 1918, c. 20, s. 60 am.  
 BUREAU OF LABOUR ACT. 1926, c. 21, s. 9 rep.  
 BUREAU OF MUNICIPAL AFFAIRS ACT. 1917, c. 14; 1919, c. 48 am.  
 BURIAL GROUNDS. *See* Cemetery Act.



BURLINGTON BEACH ACT. R.S.O. 1914, c. 53; 1914, c. 2, s. 4 am.; 1921, c. 34 am.; 1926, c. 11 am.

BUTTER. *See* Cheese and Butter Exchanges Act; Dairy.

## C

CANADA COMPANY'S LANDS ACT. 1922, c. 24; 1923, c. 11.

CANADIAN BANKERS' ASSOCIATION. *See* Grain Loans Act.

CAPREOL, TOWN OF. *See* Municipal Debentures Guarantee Act; Debentures Guarantee Act.

CARRIAGE OF LIQUOR ACT. 1922, c. 87.

CATTLE. *See* Brand Act; Protection of Pure Bred Cattle Act.

CEMETERIES. *See* Cemetery Act; Registry Act.

CEMETERY ACT. 1926, c. 63.

CENTRAL ONTARIO POWER ACT. 1916, c. 18.

CHARITABLE INSTITUTIONS. *See* Hospitals and Charitable Institutions Act; Public Institutions Amendment Act; Statute Law Amendment Act, 1914, c. 21, s. 66; 1916, c. 24, s. 46; 1917, c. 27, s. 57.

CHARITIES ACCOUNTING ACT. 1915, c. 23; 1916, c. 24, s. 50 am.; 1919, c. 32, s. 5 am.; 1921, c. 47, s. 8 am.

CHARITY, GIFTS TO PROVINCE FOR PURPOSE OF. 1915, c. 20, s. 25.

CHARTERED ACCOUNTANTS ACT. R.S.O. 1914, c. 169.

CHEESE. *See* Cheese and Butter Exchanges Act; Consolidated Cheese Factories Act; Dairy Products Act; Dairy Standards Act.

CHEESE AND BUTTER EXCHANGES ACT. R.S.O. 1914, c. 191.

CHILDREN. *See* Adoption Act; Auxiliary Classes Act; Boys' Welfare Act; Children's Protection Act; Children of Unmarried Parents Act; Deserted Wives' and Children's Maintenance Act; Illegitimate Children's Act; Immigrant Children's Protection Act; Infants Act; Juvenile Courts Act; Legitimation Act; Maternity Boarding Houses Act; Mothers' Allowances Act.

CHILDREN OF UNMARRIED PARENTS ACT. 1921, c. 54.

CHILDREN'S PROTECTION ACT OF ONTARIO. R.S.O. 1914, c. 231; 1914, c. 21, ss. 49-52 am.; 1916, c. 53 am.; 1918, c. 20, s. 42 am.; 1919, c. 65 am.; 1922, c. 92 am.; 1924, c. 70, s. 20 rep.

CIRCUS. *See* Travelling Shows Act.

CITY AND SUBURBS' PLANS ACT. R.S.O. 1914, c. 194; 1917, c. 44 rep.; *See* Planning and Development Act.

CIVIL SERVICE. *See* Public Service.

COBALT, TOWN OF. *See* School Law Amendment Act, 1919, c. 73, s. 20.

COCHRANE, TOWN OF. *See* Municipal Debentures Guarantee Act; Debentures Guarantee Acts; District of Cochrane Act.

COLLEGE OF ART ACT. 1919, c. 82; 1920, c. 105 aff.

COLONIZATION ROADS ACT. R.S.O. 1914, c. 41; 1914, c. 17 aff.; 1920, c. 25 am.; 1926, c. 10, s. 6 aff.; c. 21, s. 10 am.

COMMISSIONERS FOR TAKING AFFIDAVITS ACT. R.S.O. 1914, c. 77; 1923, c. 23 am.; 1926, c. 25 am.

COMMISSIONERS OF POLICE FOR COUNTIES. 1914, c. 21, s. 24.

COMMUNITY HALLS ACT. 1919, c. 55; 1920, c. 72, sub.; 1921, c. 70 am.; 1922, c. 83 am.; 1923, c. 47 am.; 1924, c. 64 am.

COMPANIES. *See* Ontario Companies Act; Extra-Provincial Corporations Act.

COMPENSATION. *See* Industrial and Mining Lands Compensation Act; Workmen's Compensation Act; Workmen's Compensation for Injuries Act.

CONDITIONAL SALES ACT. R.S.O. 1914, c. 136; 1916, c. 24, s. 23 am.; 1925, c. 36 am.

CONNAUGHT LABORATORIES. *See* University Aid Act.

CONSOLIDATED CHEESE FACTORIES ACT. 1923, c. 16.

CONSOLIDATED MUNICIPAL ACT. 1922, c. 72; 1923, c. 41 am.; 1924, c. 53 am.; 1925, c. 44, s. 2 aff., c. 59 am.; 1926, c. 3, s. 23 aff., c. 15, ss. 15, 30, 33, 41, 64, 79 aff., c. 52 am.; c. 62 aff., s. 15 am.

CONSOLIDATED REVENUE FUND ACT. R.S.O. 1914, c. 20; *See also* 1914, c. 9; 1915, c. 4; 1916, c. 2; 1917, c. 2; 1918, c. 2; 1919, c. 2; 1920, c. 6; 1921, c. 7; 1922, c. 8; 1923, c. 2; 1924, c. 9; 1925, c. 2, 1926, c. 6.

- CONSOLIDATED SCHOOLS ACT. 1919, c. 75; 1920, c. 99, ss. 11-14 am.; 1921, c. 89, s. 28 am.; 1922, c. 98, ss. 16-17 aff., s. 18 am.
- CONSTABLES ACT. 1926, c. 34.
- CONSTABLES: COUNTY POLICE COMMISSIONERS. 1914, c. 21, s. 24.
- CONSTITUTIONAL QUESTIONS ACT. R.S.O. 1914, c. 85.
- CONTINUATION SCHOOLS ACT. R.S.O. 1914, c. 267; 1914, c. 21, s. 58 am.; 1915, c. 43, ss. 3-4 am.; 1916, c. 24, ss. 37-38 am.; 1917, c. 27, ss. 47-48 am.; 1918, c. 51, s. 5 am.; 1919, c. 6 am.; 1920, c. 99, s. 4 am.; 1921, c. 89, ss. 11-12 am.; 1924, c. 82, s. 14 am.; 1925, c. 78, ss. 20, 21 am., s. 22 aff.
- CONTRIBUTORY NEGLIGENCE ACT. 1924, c. 32.
- CONVEYANCING. *See* Conveyancing and Law of Property Act; Land Titles Act; Land Transfers Tax Act; Registry Act; Short Forms of Conveyances Act.
- CONVEYANCING AND LAW OF PROPERTY ACT. R.S.O. 1914, c. 109; 1914, c. 2, s. 4 am.; 1922, c. 53 am.; 1926, c. 21, s. 21 am.
- CO-OPERATIVE CREDIT SOCIETIES ACT. 1922, c. 64.
- CO-OPERATIVE MARKETING LOAN ACT. 1920, c. 54.
- CORN BORER ACT. 1925, c. 74; 1926, c. 61 am.
- CORONERS ACT. 1926, c. 33.
- CORPORATIONS TAX ACT. R.S.O. 1914, c. 27; 1914, c. 11 am.; 1915, c. 8 am.; 1916, c. 8 am.; 1920, c. 9 am.; 1921, c. 12 am.; 1922, c. 12 am., c. 13 aff., c. 14 am.; 1924, c. 11 am.; 1925, c. 12 am.
- COSTS OF DISTRESS ACT. R.S.O. 1914, c. 78.
- COUNTIES REFORESTATION ACT. R.S.O. 1914, c. 240; 1921, c. 81 am.
- COUNTY BOARD OF POLICE COMMISSIONERS. 1914, c. 21, s. 24.
- COUNTY COURT JUDGES CRIMINAL COURTS ACT. R.S.O. 1914, c. 61.
- COUNTY COURTS ACT. R.S.O. 1914, c. 59; 1914, c. 21, s. 16 am.; 1916, c. 24, s. 7 am.; 1918, c. 21 am.; 1919, c. 25, s. 10 am., s. 44 aff.; 1920, c. 32 am.; 1923, c. 22 am.
- COUNTY JUDGES ACT. R.S.O. 1914, c. 58; 1916, c. 24, s. 6 am.; 1919, c. 26 am.; 1921, c. 37 am.; 1926, c. 21, s. 29 am.
- COUNTY PUBLICITY ACT. 1914, c. 19.
- COUNTY OF YORK RADIAL RAILWAY ACT. 1922, c. 34.
- COURTS. *See* Administration of Justice Expenses Act; County Court Judges Criminal Courts Act; County Courts Act; County Judges Act; Division Courts Act; Dominion Courts Act; Extra-Judicial Services Act; General Sessions Act; Judicature Act; Jurors Act; Justices of the Peace Act; Magistrates Act; Mining Court Act; Police Magistrates Act; Privy Council Appeals Act; Surrogate Courts Act.
- CREAM. *See* Cream and Milk Purchase Act; Cream Purchases Act; Dairy Products Act; Dairy Standards Act.
- CREAM AND MILK PURCHASE ACT. 1920, c. 85.
- CREAM PURCHASES. *See* Cream and Milk Purchases Act.
- CREDITORS' RELIEF ACT. R.S.O. 1914, c. 81; 1926, c. 21, s. 19 am.
- CROWN ADMINISTRATION OF ESTATES ACT. R.S.O. 1914, c. 73; 1918, c. 20, s. 17 am.; 1919, c. 32, s. 2 am.; 1921, c. 47, s. 9 am.
- CROWN ATTORNEYS. *See* Crown Attorneys Act; Toronto and York Crown Attorneys Act.
- CROWN ATTORNEYS ACT. 1926, c. 32.
- CROWN LANDS. *See* Returned Soldiers' and Sailors' Land Settlement Act; Veterans' Land Grant Act; Veterans' Land Grant Amendment Act.
- CROWN TIMBER ACT. R.S.O. 1914, c. 29; 1914, c. 12 aff.; 1915, c. 20, s. 4 am.; 1916, c. 24, s. 48 am.; 1919, c. 11 aff.; 1920, c. 14 aff.; 1924, c. 16 am.
- CROWN TIMBER. *See* Purchase of Timber Limits of Pembroke Lumber Company.
- CROWN WITNESSES ACT. 1926, c. 36.
- CULLERS. *See* Ontario Cullers Act.
- CULTIVATION. *See* Vacant Land Cultivation Act.
- CURRENT RATE OF INTEREST ACT. 1917, c. 8; 1921, c. 8 am.
- CUSTODY OF DOCUMENTS ACT. R.S.O. 1914, c. 125; 1916, c. 24, s. 21 am.; 1918, c. 20, s. 24 am.
- CUSTODY OF RECORDS. 1916, c. 25.

## D

- DAIRY. *See* An Act to Incorporate the Ontario Co-operative Dairy Products, Limited; Consolidated Cheese Factories Act; Dairy Products Act; Dairy Standards Act.
- DAIRY PRODUCTS ACT. 1926, c. 60.
- DAIRY STANDARDS. *See* Dairy Products Act.
- DAMAGE BY FLOODING ACT. R.S.O. 1914, c. 86; 1926, c. 21, s. 20 rep.
- DAMAGE BY FUMES ARBITRATION ACT. 1924, c. 76.
- DEBENTURES. *See* Township of Whitney Debentures Act.
- DEBENTURES' GUARANTEE ACTS. 1919, c. 4; 1920, c. 7; 1923, c. 6.; 1924, c. 3; 1925, c. 3 am. c. 4.
- DEBT COLLECTORS ACT. R.S.O. 1914, c. 227.
- DECLARATORY ACT. 1922, c. 13.
- DEFINITION OF TIME ACT. R.S.O. 1914, c. 132; 1918, c. 20, s. 25 am.
- DENTISTRY ACT. 1926, c. 46.
- DEPARTMENT OF AGRICULTURE ACT. 1926, c. 19.
- DEPARTMENT OF EDUCATION ACT. R.S.O. 1914, c. 265; 1915, c. 43, s. 2 am., c. 45, s. 1 aff.; 1916, c. 24, s. 34 am.; 1917, c. 27, ss. 38-40 am.; 1918, c. 51, s. 2; 1919, c. 73, ss. 2-6 am.; 1920, c. 99, ss. 2-3 am.; 1921, c. 89, ss. 2-3 am.; 1922, c. 98, ss. 2-3 am.; 1924, c. 82, s. 2 am., c. 83, s. 2 am.; 1925, c. 78, s. 2 am.; 1926, c. 66 am.
- DEPARTMENT OF HEALTH. 1924, c. 69; 1925, c. 68 am.
- DEPARTMENT OF LABOUR ACT. 1919, c. 22; 1921, c. 77 am.
- DEPARTMENT OF MINES ACT. 1920, c. 12.
- DESERTED WIVES' MAINTENANCE ACT. *See* Deserted Wives' and Children's Maintenance Act.
- DESERTED WIVES' AND CHILDREN'S MAINTENANCE ACT. 1922, c. 57; 1923, c. 32 am.
- DEVOLUTION OF ESTATES ACT. R.S.O. 1914, c. 119; 1918, c. 20, s. 22 am.; 1919, c. 28 am.; 1921, c. 47, s. 6 am; 1926, c. 38 am.
- DISQUALIFICATION ACT. 1919, c. 6; 1922, c. 3 am.
- DISTILLERS' AND BREWERS' BUSINESS ASSESSMENT TAX ACT. 1920, c. 79.
- DISTRICT COURT HOUSES ACT. R.S.O. 1914, c. 294.
- DISTRICT HOUSES OF REFUGE ACT. R.S.O. 1914, c. 291; 1919, c. 83, s. 12 am.; 1922, c. 104 am.
- DISTRICT OF COCHRANE ACT. 1922, c. 2; 1925, c. 34 am.
- DITCHES AND WATERCOURSES ACT. R.S.O. 1914, c. 260; 1917, c. 56 am.; 1918, c. 47 am.; 1924, c. 79 am.
- DIVISION COURTS ACT. R.S.O. 1914, c. 63; 1914, c. 2, s. 4 am., c. 21, s. 17 am.; 1916, c. 26 am.; 1917, c. 27, s. 20 am.; 1918, c. 20, s. 16 am.; 1920, c. 34 am.; 1921, c. 38 am.; 1922, c. 45 am.
- DOG TAX AND SHEEP PROTECTION ACT. 1926, c. 62.
- DOMINION COMMISSIONERS OF POLICE ACT. R.S.O. 1914, c. 93.
- DOMINION COURTS ACT. R.S.O. 1914, c. 55.
- DOMINION HOSPITALS FOR SOLDIERS ACT. 1920, c. 108.
- DOMINION ORTHOPÆDIC HOSPITAL, LANDS VESTED IN CROWN. 1918, c. 20, s. 71.
- DOMINION TITLE TO INDIAN LANDS ACT. 1915, c. 12.
- DOWER ACT. R.S.O. 1914, c. 70; 1926, c. 21, s. 15 am.
- DRAINAGE. *See* Ditches and Watercourses Act; Municipal Drainage Act; Municipal Drainage Aid Act; Provincial Aid to Drainage Act; Tile Drainage Act.
- DRUGLESS PRACTITIONERS ACT. 1925, c. 49.
- DWELLING HOUSES. *See* Housing Accommodation Act; Municipal Housing Act; Ontario Housing Act.

## E

- EAST SIMCOE AGRICULTURAL SOCIETY. 1919, c. 25, s. 6.
- EDUCATION. *See* Adolescent School Attendance Act; Agricultural College Act; Auxiliary Classes Act; Boards of Education Act; Boys' Welfare Act; College of Art Act; Consolidated Schools Act; Continuation Schools Act; Department of Education Act; Dis-



qualification Act; French Scholarship Act; High Schools Act; Industrial Education Act; Industrial Schools Act; Mining Schools Act; Ottawa Separate Schools Act; Salaries to certain officers, 1916, c. 24, s. 40; 1918, c. 20, s. 62; School Attendance Act; Schools for the Deaf and Blind Act; School Law Amendment Acts; School Sites Act; Separate Schools Act; Special Classes Act; Teachers' and Inspectors' Superannuation Act; Technical Education Act; Toronto Board of Education Act; Truancy Act; University Act; University Aid Act; Upper Canada College Act; Veterinary College Act; Vocational Education Act; Westminster Continuation School Act; Women's Rural School Board Qualification Act.

EGRESS FROM PUBLIC BUILDINGS ACT. R.S.O. 1914, c. 235.

ELECTIONS. *See* Election Law Amendment Act; Disqualification Act; Municipal Act; Municipal Franchise Act; Ontario Controverted Elections Act; Ontario Election Act; Political Contributions Act; Punishment for Personation Act; Railway Employees' and Commercial Travellers' Voting Act; Voters' Lists Act; Women's Assembly Qualification Act; Women's Municipal Franchise Act; Women's Municipal Qualification Act.

ELECTION LAW AMENDMENT ACT. 1914, c. 5; 1916, c. 6; 1917, c. 5, s. 57, c. 6 am.; 1920, c. 2 am.; 1921, c. 2, s. 3 am.; 1922, c. 4, s. 4 am.; 1923, c. 3 am.; 1924, c. 4.

EMBALMERS AND UNDERTAKERS ACT. R.S.O. 1914, c. 174; 1914, c. 21, ss. 35-36 am.

EMPLOYMENT AGENCIES ACT. 1917, c. 37 rep.; 1919, c. 38 am.

ENGINEERS. *See* Professional Engineers' Act.

ENGLEHART, TOWN OF. *See* Debentures Guarantee Act, 1924, c. 3; Debentures Guarantee Act, 1925.

ENROLMENT OF STALLIONS. *See* Ontario Stallion Act.

ENTRY OF HORSES AT EXHIBITION ACT. R.S.O. 1914, c. 226.

ESCHEATS ACT. R.S.O. 1914, c. 104; 1919, c. 32, s. 3 am.

ESTATES TAIL ACT. R.S.O. 1914, c. 113; 1914, c. 2, s. 4 am.

ESTREATS ACT. R.S.O. 1914, c. 98.

EVIDENCE. *See* Evidence Act; Soldiers' and Sailors' Proof of Death Act.

EVIDENCE ACT. R.S.O. 1914, c. 76; 1916, c. 24, ss. 11-13 am.; 1917, c. 27, s. 68 am.; 1926, c. 21, s. 18 am.

EXECUTION ACT. R.S.O. 1914, c. 80; 1914, c. 21, s. 20 am.; 1915, c. 20, s. 10 am.

EXECUTION OF TRUSTS ACT. 1916, c. 29.

EXECUTIVE COUNCIL ACT. R.S.O. 1914, c. 13; 1918, c. 20, s. 6 am.; 1919, c. 22, s. 3 am.; 1920, c. 12, s. 3 am.; 1924, c. 69, s. 7 am.; 1925, c. 9 am.

EXEMPTION. *See* Firemen's Exemption Act.

EXPENSES. *See* Administration of Justice Expenses Act.

EXPORT OF PULPWOOD ACT. 1914, c. 12; 1915, c. 20, s. 4 am.; 1916, c. 24, s. 48 am.; 1919, c. 11; 1920, c. 14.

EXTRA-JUDICIAL SERVICES ACT. R.S.O. 1914, c. 57.

EXTRA-PROVINCIAL CORPORATIONS ACT. R.S.O. 1914, c. 179; 1914, c. 21, s. 38 am.; 1918, c. 20, s. 31 am.

EXTRA-MURAL EMPLOYMENT OF SENTENCED PERSONS ACT. 1921, c. 93; 1923, c. 57 am.

## F

FACTORS ACT. R.S.O. 1914, c. 137; 1920, c. 40, s. 59.

FACORY, SHOP AND OFFICE BUILDING ACT. R.S.O. 1914, c. 229; 1914, c. 2, s. 4, c. 40 am.; 1916, c. 13, s. 9 aff.; 1918, c. 44 am.; 1919, c. 64 am.; 1920, c. 86 am.; 1921, c. 76 am.; 1925, c. 70 am.

FAIRS. *See* Royal Agricultural Winter Fair Association and City of Toronto Act, 1926.

FARM LOANS. *See* Ontario Farm Loans Act, Agricultural Development Act.

FATAL ACCIDENTS ACT. R.S.O. 1914, c. 151.

FEDERAL GRANTS FOR AGRICULTURAL PURPOSES. 1915, c. 20, s. 7 am.

FEES. *See* Public Officers' Fees Act.

- FEMALE PATIENTS' AND PRISONERS' PROTECTION ACT. R.S.O. 1914, c. 232.
- FEMALE REFUGES ACT. 1919, c. 84.
- FENCES. *See* Line Fences Act; Snow Fences Act.
- FERRIES ACT. R.S.O. 1914, c. 127.
- FINES AND FORFEITURES ACT. 1926, c. 37.
- FIRE. *See* Accidental Fires Act; Fire Accidents Act; Fire Guardians Act; Fire Marshals Act; Fires Extinguishment Act; Forest Fires Prevention Act; Northern Fire Relief Act; Northern Ontario Fire Relief Committee Act; Prevention of Accidents by Fire in Hotels Act; Railway Fire Charge Act.
- FIRE ACCIDENTS ACT. 1915, c. 41.
- FIRE DEPARTMENTS HOURS OF LABOUR ACT. 1920, c. 88.
- FIRE DEPARTMENTS TWO PLATOON ACT. 1921, c. 80.
- FIRE GUARDIANS ACT. R.S.O. 1914, c. 242.
- FIRE MARSHALS ACT. 1914, c. 41; 1916, c. 55 am.; 1917, c. 55 am.; 1919, c. 67 am.; 1920, c. 90 am.; 1923, c. 53 am.
- FIREMEN. *See* Fire Departments Hours of Labour Act; Fire Departments Two Platoon Act; Firemen's Exemption Act.
- FIREMEN'S EXEMPTION ACT. R.S.O. 1914, c. 201.
- FIRES EXTINGUISHMENT ACT. R.S.O. 1914, c. 243.
- FISH SALES ACT. 1918, c. 49.
- FOREST. *See* Forest Fires Prevention Act; Forest Reserves Act; Private Forest Reserves Act.
- FOREST FIRES PREVENTION ACT. 1917, c. 54; 1918, c. 45 am.; 1924, c. 71 am.; 1925, c. 71 am.
- FOREST RESERVES ACT. R.S.O. 1914, c. 30.
- FORT WILLIAM AND PORT ARTHUR BOUNDARIES ACT. 1919, c. 33.
- FORT WILLIAM LAND TITLES AND REGISTRY OFFICE ACT. 1917, c. 32.
- FORT WILLIAM—RATIFICATION WITH PORT ARTHUR AS TO STREET RAILWAY. 1917, c. 27, s. 71.
- FOUL BROOD ACT. R.S.O. 1914, c. 258; 1920, c. 95 am.; 1924, c. 77 am.; 1925, c. 73 am.
- FOXES AND FUR-BEARING ANIMALS. 1919, c. 71; 1926, c. 65 am.
- FRAUD. *See* Fraudulent Conveyances Act; Fraudulent Debtors' Arrest Act; Fruit Sales Act; Statute of Frauds.
- FRAUDULENT CONVEYANCES ACT. R.S.O. 1914, c. 105.
- FRAUDULENT DEBTORS' ARREST ACT. R.S.O. 1914, c. 83.
- FRENCH SCHOLARSHIPS ACT. 1920, c. 103.
- FRUIT PACKING ACT. 1922, c. 90.
- FRUIT PEST ACT. R.S.O. 1914, c. 254.
- FRUIT SALES ACT. R.S.O. 1914, c. 225.
- FUEL SUPPLY ACT. 1918, c. 13; 1920, c. 12, s. 11 aff.
- FULFORD, GEORGE TAYLOR. 1915, c. 11.
- FUR-BEARING ANIMALS. *See* Foxes and Fur-Bearing Animals Act.

## G

- GAME. *See* Gaming Act; Ontario Game and Fisheries Act
- GAMING ACT. R.S.O. 1914, c. 217.
- GAOLS ACT. R.S.O. 1914, c. 293.
- GASOLINE TAX ACT. 1925, c. 28.
- GAS WELLS. *See* Well Drillers' Act.
- GENERAL PURCHASING AGENTS ACT. 1918, c. 7.
- GENERAL SESSIONS ACT. R.S.O. 1914, c. 60; 1918, c. 20, s. 15 am.; 1922, c. 43 am.
- GERMANY: PAYMENT OUT OF COURT OR BY EXECUTORS. 1914, c. 21, s. 67 am.
- GINSENG ACT. R.S.O. 1914, c. 256.
- GOODS. *See* Sale of Goods Act.
- GOVERNMENT STOCK. *See* Provincial Loans Act.
- GRAIN LOANS ACT. 1919, c. 3.
- GRAIN TRADE INQUIRY ACT. 1923, c. 17.
- GREATER WINNIPEG WATER DISTRICT ACT. 1916, c. 17.
- GUARANTEE COMPANIES' SECURITIES ACT. R.S.O. 1914, c. 190.

**GUARANTEE OF MUNICIPAL AND SCHOOL DEBENTURES.** *See* Debentures Guarantee Act; Municipal Debentures Guarantee Act.

**GUARDIANSHIP.** *See* Infants' Act.

**GUELPH RAILWAY ACT.** 1921, c. 22; 1923, c. 40 am.

## H

**HABEAS CORPUS.** *See* Ontario Habeas Corpus Act

**HAILEYBURY, TOWN OF.** *See* Debentures Guarantee Act, 1924, c. 3.

**HALIBURTON ACT.** R.S.O. 1914, c. 4.

**HALTON—HIGHWAY SCHEME FOR EXEMPTION OF CERTAIN MUNICIPALITIES.** 1918, c. 20, s. 68.

**HEALTH.** *See* Health Department Act; One Day's Rest in Seven Act; Public Health Act; Vaccination Act; Venereal Diseases' Prevention Act.

**HEALTH DEPARTMENT ACT.** 1924, c. 69; 1925, c. 68 am.

**HIGH SCHOOLS ACT.** R.S.O. 1914, c. 268; 1914, c. 21, ss. 59-60 am.; 1915, c. 43, ss. 5-8 am.; 1916, c. 24, ss. 39-40 am.; 1917, c. 27, ss. 48-49 am.; 1918, c. 51, ss. 4-5 am.; 1919, c. 6, s. 2 aff., c. 73, s. 17 am.; 1920, c. 99, ss. 5-6 am.; 1921, c. 89, ss. 13-16 am.; 1922, c. 98, ss. 19-21 am.; 1924, c. 82, ss. 16, 17 am.; 1925, c. 78, ss. 8-13, 16-19 am., s. 22 aff.; 1926, c. 67, ss. 5 and 6 am.

**HIGHWAY.** *See* Carriage of Liquor Act; Colonization Roads Act; Highway Improvement Act; Highway Traffic Act; Highway Travel Act; Load of Vehicles Act; Obstructions on Highways Removal Act; Ontario Highways Act; Provincial Highway Act; Public Service Works on Highways Act; Public Vehicles Act; Road Construction; Snow Fences Act; Snow Roads Act; Statute Labour Act; Toll Roads Act; Toronto and Hamilton Highway Commission Act; Traction Engines Act; Tree Planting Act.

**HIGHWAY—Re INDEMNIFICATION OF MEMBER OF ASSEMBLY SERVING ON HIGHWAY COMMISSION.** 1916, c. 24, s. 49; 1926, c. 15, s. 12 aff.

**HIGHWAY—Re PAYMENT OF MEMBERS OF HIGHWAY COMMISSION.** 1914, c. 21, s. 69; 1916, c. 24, s. 49; 1926, c. 15, s. 12 aff.

**HIGHWAY—Re SPECIAL GRANTS IN AID OF PERMANENT ROADWAYS.** 1917, c. 27, s. 70.

**HIGHWAY IMPROVEMENT ACT.** 1926, c. 15.

**HIGHWAY TRAFFIC ACT.** 1923, c. 48.; 1924, c. 62 am.; 1925, c. 65 am.; 1926, c. 15, s. 72 (2) aff.; c. 58 am., c. 59, s. 7 aff.

**HIGHWAY TRAVEL.** *See* Highway Traffic Act.

**HORSES.** *See* Entry of Horses at Exhibition Act. Ontario Stallion Act.

**HORTICULTURAL SOCIETIES ACT.** R.S.O. 1914, c. 48; 1916, c. 24, s. 4 am.; 1917, c. 26 am.; 1919, c. 21 am.; 1925, c. 31 am.

**HOSPITALS.** *See* An Act to Confer Certain Powers Respecting Hospitals on the Lieutenant-Governor in Council; Hospitals and Charitable Institutions Act; Hospitals for Epileptics Act; Hospitals for the Insane Act; Public Institutions Amendment Act; Reception Hospitals for the Insane Act; Sanatoria for Consumptives Act; Psychiatric Hospitals Act; Private Sanitarium Act.

**HOSPITALS AND CHARITABLE INSTITUTIONS ACT.** R.S.O. 1914, c. 300; 1914, c. 21, s. 66 am.; 1916, c. 24, s. 46 am.; 1917, c. 27, s. 57 am.; 1919, c. 83, ss. 6-8 am.; 1920, c. 107 am.; 1922, c. 60, s. 5 am.; 1926, c. 73 am.

**HOSPITALS FOR EPILEPTICS ACT.** 1914, c. 55; 1919, c. 83, s. 5 am.

**HOSPITALS FOR THE INSANE ACT.** R.S.O. 1914, c. 295; 1914, c. 53, c. 54 am.; 1916, c. 64 am.; 1919, c. 32, s. 4, c. 83, s. 2 am.; 1920, c. 10 aff.; 1924, c. 86 am.; 1926, c. 71, s. 13 (1) (a) aff.

**HOTELS.** *See* Hotels Act; Innkeepers' Act; Prevention of Fire in Hotels Act; Standard Hotel Registration Act.

**HOTELS ACT.** 1924, c. 66.

**HOURS OF LABOUR.** *See* Factory, Shop and Office Building Act; Fire Departments' Hours of Labour Act; Mining Act of Ontario; Municipal Act; One Day's Rest in Seven Act; Ontario Railway Act.



- HOUSES OF REFUGE ACT. R.S.O. 1914, c. 290; 1914, c. 21, s. 65 am.; 1919, c. 83, s. 11 am.
- HOUSING. *See* Housing Accommodation Act; Municipal Housing Act; Ontario Housing Act.
- HOUSING ACCOMMODATION ACT. R.S.O. 1914, c. 220; 1914, c. 21, s. 48 am.
- HYDRO-ELECTRIC. *See* Central Ontario Power Act; Hydro-Electric Negligence Act; Hydro-Electric Railway Act; Municipal Electric Railway Act; Ontario Niagara Development Act; Power Commission Act; Rural Hydro-Electric Distribution Act; Water Powers' Regulation Act.
- HYDRO-ELECTRIC NEGLIGENCE ACT. 1923, c. 39.
- HYDRO-ELECTRIC RAILWAY ACT. R.S.O. 1914, c. 187; 1914, c. 2, s. 4 am., c. 31 rep.; 1915, c. 32 am.; 1916, c. 19, s. 5 aff., c. 37 am.; 1917, c. 27, s. 32 am.; 1919, c. 45 am.; 1920, c. 57 am.; 1922, c. 69, s. 29 rep.; 1924, c. 26; 1925, c. 57, s. 2 am., ss. 3-5 aff.; 1926, c. 18, ss. 2 and 3 aff.

I

- ILLEGITIMATE CHILDREN'S ACT. 1921, c. 54
- IMMIGRANT CHILDREN'S PROTECTION ACT. 1924, c. 70.
- INDIAN LANDS ACT. 1924, c. 15.
- INDUSTRIAL AND MINING LANDS COMPENSATION ACT. 1918, c. 11.
- INDUSTRIAL EDUCATION. *See* Vocational Education Act.
- INDUSTRIAL FARMS ACT. R.S.O. 1914, c. 292; 1914, c. 52 am.
- INDUSTRIAL SCHOOLS ACT. R.S.O. 1914, c. 271; 1914, c. 48 am.; 1916, c. 24, s. 42 am.; 1918, c. 20, s. 49 am.; 1920, c. 104 am.; 1925, c. 79 aff.
- INFANTS. *See* Children.
- INFANTS ACT. R.S.O. 1914, c. 153; 1915, c. 20, s. 16 am.; 1923, c. 33 am.
- INJURED ANIMALS ACT. R.S.O. 1914, c. 248.
- INNKEEPERS ACT. R.S.O. 1914, c. 173.
- INSANE. *See* Dominion Hospitals for Soldiers Act; Hospitals for the Insane Act; Reception Hospitals for the Insane Act; Psychiatric Hospitals Act.
- INSPECTION. *See* Ontario Public Trustee Act; Prisons' and Public Charities' Inspection Act; Public Institutions' Amendment Act.
- INSURANCE. *See* Ontario Insurance Act; Payment of Insurance on Lives of Soldiers Act; Reciprocal Insurance Act; Workmen's Compensation Insurance Act.
- INTEREST. *See* Current Rate of Interest Act.
- INTERPRETATION ACT. R.S.O. 1914, c. 1; 1925, c. 5 am.; 1926, c. 21, s. 2 am.
- INTESTATE SUCCESSION. *See* Devolution of Estates Act; Land Titles Act; Succession Duty Act.
- INTOXICATING LIQUOR. *See* Ontario Temperance Act.
- IRON ORE BOUNTY ACT. 1924, c. 19.
- ITALY—PAYMENT OUT OF COURT OR BY EXECUTOR. 1914, c. 21, s. 67.

J

- JUDGES' ORDERS' ENFORCEMENT ACT. 1926, c. 26.
- JUDICATURE ACT. R.S.O. 1914, c. 56; 1914, c. 21, ss. 15, 67 am.; 1915, c. 20, s. 9 am.; 1916, c. 24, s. 5 am.; 1917, c. 27, ss. 17-19 am.; 1919, c. 25, ss. 8-9, 44 am.; 1922, c. 42 am.; 1923, c. 21 am.; 1924, c. 30 am.; 1926, c. 22 am.
- JURORS ACT. R.S.O. 1914, c. 64; 1914, c. 21, ss. 18-19 am.; 1916, c. 24, ss. 8-9 am.; 1918, c. 23 am.; 1920, c. 35 am.; 1922, c. 46 am.; 1926, c. 24 am.
- JURY TRIALS ACT. 1922, c. 42.
- JUSTICES OF THE PEACE ACT. 1926, c. 28; c. 29, s. 13 (2) aff.
- JUVENILE COURTS ACT. 1916, c. 54; 1919, c. 25, ss. 35, 44 am.

K

- KAPUSKASING, TOWN OF. *See* An Act to incorporate the Town of Kapuskasing; Debentures Guarantee Act, 1924.
- KINGSTON AND FRONTENAC REGISTRY ACT. 1925, c. 40.
- KING'S PRINTER ACT. 1921, c. 5.

## L

- LABOUR.** *See* Department of Labour Act; Employment Agencies Act; Factory, Shop and Office Building Act; Minimum Wage Act; One Day's Rest in Seven Act; Stationary and Hoisting Engineers Act; Steam Boiler Act; Trades and Labour Branch Act; Workmen's Compensation for Injuries Act.
- LAKE HURON AND NORTHERN ONTARIO RAILWAY COMPANY ACT.** 1913, c. 134; 1915, c. 20, s. 26 am.; 1919, c. 25, s. 41; 1921, c. 131.
- LAKE OF THE WOODS CONTROL BOARD ACT.** 1922, c. 21.
- LAND.** *See* Indian Lands Act; Land Titles Act; Land Transfers Tax Act; Northern and North-western Ontario Development Act; Northern Ontario Development Act; Provincial Land Tax Act; Public Lands Act; Registry Act; Returned Soldiers' and Sailors' Land Settlement Act; Veteran's Land Grant Act; Veterans' Land Grant Amendment Act.
- LAND TITLES ACT.** R.S.O. 1914, c. 126; 1914, c. 24 am.; 1915, c. 20, s. 14 am.; 1916, c. 11, s. 5 am.; 1917, c. 31, c. 32 am.; 1918, c. 28 am.; 1922, c. 54 am.; 1923, c. 28 am.; 1925, c. 41 am.
- LAND TRANSFERS TAX ACT.** 1921, c. 13; 1922, c. 15 am.; 1923, c. 4 am.; 1924, c. 12 am.
- LANDLORD AND TENANT ACT.** R.S.O. 1914, c. 155; 1914, c. 2, s. 4 am.; 1923, c. 34 am.; 1924, c. 42 am.; 1925, c. 47 am.
- LANDS.** *Re* CERTAIN LANDS VESTED IN HIS MAJESTY IN THE RIGHT OF THE DOMINION OF CANADA. 1918, c. 20, s. 71; The University Lands Act, 1926, c. 14.
- LAW SOCIETY ACT.** R.S.O. 1914, c. 157; 1914, c. 2, s. 4 am.; 1915, c. 26 am.; 1916, c. 33 am.; 1919, c. 36 am.
- LAW STAMPS ACT.** R.S.O. 1914, c. 25; 1926, c. 21, s. 5 am.
- LEASES.** *See* Short Forms of Leases Act.
- LEGISLATION, UNIFORMITY OF—EXPENSES OF COMMISSIONERS.** 1918, c. 20, s. 65.
- LEGISLATIVE ASSEMBLY, SPECIAL GRANTS.** Arthur H. Sydere, 1918, c. 20, s. 63; Frederick J. Glackmeyer, 1918, c. 20, s. 63; Joseph M. Delamere, 1919, c. 25, ss. 43-44.
- LEGISLATIVE ASSEMBLY ACT.** R.S.O. 1914, c. 11; 1914, c. 7 am., c. 21, s. 69 am.; 1916, c. 3, s. 8 aff., c. 4, s. 6 aff.; 1917, c. 27, s. 9 am.; 1918, c. 4 aff., c. 20 ss. 4-5 am.; 1919, c. 8, s. 3 am., c. 25, ss. 4, 44 am.; 1920, c. 3 am.; 1924, c. 5 am., c. 6, s. 4 am.; 1925, c. 8, ss. 2, 4 am., s. 3 aff.; 1926, c. 5 am., c. 15, s. 12 aff.
- LEGISLATIVE ASSEMBLY EXTENSION ACT.** 1918, c. 4.
- LEGISLATIVE LIBRARY.** Appointment of librarian, 1917, c. 27, s. 10; payment for books ordered by committee, 1917, c. 27, s. 11.
- LEGISLATIVE SECRETARY FOR NORTHERN ONTARIO ACT.** 1924, c. 6; 1926, c. 5, s. 3 am.
- LEGITIMATION ACT.** 1921, c. 53.
- LENNOX AGRICULTURAL SOCIETY.** 1919, c. 25, s. 7.
- LIBEL AND SLANDER ACT.** R.S.O. 1914, c. 71; 1924, c. 31 am.
- LIBRARIES.** *See* Public Libraries Act.
- LIEUTENANT-GOVERNORS ACT.** R.S.O. 1914, c. 12.
- LIGHTNING ROD ACT.** 1921, c. 84.
- LIMITATIONS ACT.** R.S.O. 1914, c. 75; 1916, c. 24, s. 10 am.; 1922, c. 47 am.; 1926, c. 21, s. 17 am.
- LIMITED PARTNERSHIP ACT.** R.S.O. 1914, c. 138.
- LINE FENCES ACT.** R.S.O. 1914, c. 259; 1921, c. 83; 1922, c. 96 am.
- LIQUOR LICENSE.** *See* Ontario Temperance Act.
- LIQUOR TRAFFIC.** *See* Carriage of Liquor Act; Liquor Transportation Act; Ontario Temperance Act; Temperance Referendum Act.
- LIQUOR TRANSPORTATION ACT.** 1920, c. 80.
- LOAD OF VEHICLES.** *See* Highway Traffic Act.
- LOAN AND TRUST CORPORATIONS ACT.** R.S.O. 1914, c. 184; 1914, c. 2, s. 4, c. 21, s. 39 am. 1917, c. 27, s. 30 am.; 1918, c. 20, ss. 35-36 am.; 1919, c. 42 am.; 1921, c. 61 am.; 1922, c. 63 am.; 1925, c. 55 am.; 1926, c. 50 am.
- LOANS.** *See* Agricultural Development Act; Agricultural Development Finance Act; Co-operative Marketing Loan Act; Loan and Trust Corporations Act; Ontario Farm Loans Act; Ontario Loan Acts; Provincial Loans Act.

LOCAL IMPROVEMENT ACT. R.S.O. 1914, c. 193; 1914, c. 21, ss. 41-43 am.; 1915, c. 35 am.; 1919, c. 49 am.; 1921, c. 64 am.; 1922, c. 72, s. 296(4) aff., c. 75, c. 76 am.; 1923, c. 42 am.; 1924, c. 57 am.; 1925, c. 61 am.; 1926, c. 53 am.

LONG POINT PARK ACT. 1921, c. 35.

LUNACY ACT. R.S.O. 1914, c. 68.

LUXURY TAX ACT. 1925, c. 14.

## M

MAGISTRATES' ACT. 1926, c. 29.

MANHOOD SUFFRAGE REGISTRATION. *See* Ontario Voters' Lists Act.

MANUFACTURERS. *See* Bread Sales Act.

MARKETING. *See* Co-operative Marketing Loan Act.

MARRIAGE ACT. R.S.O. 1914, c. 148; 1914, c. 21, s. 33 am.; 1916, c. 32 am.; 1919, c. 35 am.; 1921, c. 51 am.; 1925, c. 45 am.; 1926, c. 43 am.

MARRIED WOMEN'S CONVEYANCES ACT. R.S.O. 1914, c. 150.

MARRIED WOMEN'S PROPERTY ACT. R.S.O. 1914, c. 149; 1926, c. 44 rep. and sub.

MASTER AND SERVANT ACT. R.S.O. 1914, c. 144; 1914, c. 21, s. 32 am.; 1924, c. 40 am.

MATERNITY BOARDING HOUSES ACT. R.S.O. 1914, c. 230.

MATHESON. *See* Debentures Guarantee Act; Municipal Debentures Guarantee Act.

MECHANICS' AND WAGE-EARNERS' LIEN ACT. 1923, c. 30.

MEDICAL PROFESSION. *See* Ontario Medical Act; Banting and Best Medical Research Act.

MERCANTILE LAW AMENDMENT ACT. R.S.O. 1914, c. 133.

METAL. *See* Unwrought Metal Sales Act.

METAL REFINING BOUNTY ACT. R.S.O. 1914, c. 33; 1918, c. 10 am.; 1920, c. 12, s. 11 aff.; 1926, c. 21, s. 7 rep.

MIGRATORY BIRDS. *See* Protection of Birds Act; Bird Protection Act.

MILK. *See* Cream and Milk Purchase Act; Cream Purchase Act; Dairy Products Act; Dairy Standards Act; Milk Act; Milk, Cheese and Butter Act.

MILK ACT. R.S.O. 1914, c. 221; 1919, c. 25, s. 31 am.

MILK, CHEESE AND BUTTER ACT. R.S.O. 1914, c. 222.

MILLERS ACT. R.S.O. 1914, c. 128; 1926, c. 21, s. 22 rep.

MILLS LICENSING ACT. 1924, c. 17.

MINIMUM WAGE ACT. 1920, c. 87; 1921, c. 78 am.; 1922, c. 91 am.

MINING. *See* Canada Company's Lands Act; Damage by Fumes Arbitration Act; Department of Mines Act; Industrial and Mining Lands Compensation Act; Mining Act of Ontario; Metal Refining Bounty Act; Mining Court Act; Mining Schools Act; Mining Tax Act; Mining Tax Titles Validity Act; Radium Act; Unwrought Metal Sales Act; Red Lake Mining Division Act.

MINING ACT OF ONTARIO. R.S.O. 1914, c. 32; 1914, c. 2, s. 4 am., c. 14 am.; 1915, c. 13 am.; 1916, c. 12 am.; 1917, c. 11 am.; 1918, c. 9 am.; 1919, c. 12, c. 13, s. 10 am.; 1920, c. 12, c. 13 am.; 1921, c. 16 am.; 1922, c. 22 am.; 1924, c. 18 am., c. 19, s. 6 aff., c. 21, s. 10 rep.; 1925, c. 20 am.; 1926, c. 8, s. 3 aff., c. 12, ss. 4, 5 aff.

MINING COURT ACT. 1924, c. 21.

MINING SCHOOLS ACT. R.S.O. 1914, c. 283.

MINING TAX ACT. R.S.O. 1914, c. 26; 1914, c. 2, s. 4 am., c. 14, c. 21, s. 8 am.; 1917, c. 7 am.; 1919, c. 13, s. 10 am.; 1920, c. 10 am., c. 12, s. 11 aff.; 1921, c. 11 am.; 1922, c. 11 am.; 1924, c. 10 am.

MINING TAX TITLES VALIDITY ACT. 1924, c. 22.

MINORS' PROTECTION ACT. R.S.O. 1914, c. 216.

MINORS' TOBACCO SALES ACT. R.S.O. 1914, c. 234.

MONEY LENDERS. *See* Ontario Money Lenders Act.

MORTGAGE TAX. 1918, c. 20, s. 70; 1919, c. 25, ss. 37, 44 aff.

MORTGAGES. *See* Mortgages Act; Mortgagors' and Purchasers' Relief Act; Short Forms of Mortgages Act.

MORTGAGES ACT. R.S.O. 1914, c. 112; 1915, c. 21 am.; 1924, c. 37 am.; 1926, c. 21, s. 30 am.

MORTGAGORS' AND PURCHASERS' RELIEF ACT. 1915, c. 22; 1916, c. 27 am.; 1917, c. 27, s. 59 am.; 1918, c. 26 am.; 1919, c. 25, s. 32 aff.; 1920, c. 38 am.

MORTMAIN AND CHARITABLE USES ACT. R.S.O. 1914, c. 103; 1914, c. 2, s. 4 am.; 1921, c. 46 am.

MOTHERS' ALLOWANCES ACT. 1920, c. 89; 1921, c. 79 am.



- MOTOR VEHICLES. *See* Highway Traffic Act.
- MOVING PICTURES. *See* Theatres and Cinematographs Act.
- MUNICIPAL ACT. 1922, c. 72, c. 74, ss. 2, 3, 4 am.; 1923, c. 41 am.; 1924, c. 53 am.; c. 56, ss. 3, 4 am.; 1925, c. 44, s. 2 aff., c. 59 am.; 1926, c. 3, s. 23 aff., c. 15, ss. 15, 30, 33, 41, 64, 79 aff., c. 52 am., c. 62 aff., s. 15 am.
- MUNICIPAL AFFAIRS. *See* Bureau of Municipal Affairs Act; Municipal Act.
- MUNICIPAL AND SCHOOL ACCOUNTS AUDIT ACT. R.S.O. 1914, c. 200; 1920, c. 68 am.
- MUNICIPAL ARBITRATIONS ACT. R.S.O. 1914, c. 199; 1916, c. 44 am.; 1917, c. 27, s. 33 am.; 1923, c. 46 am.
- MUNICIPAL BOARD. *See* Ontario Railway and Municipal Board Act.
- MUNICIPAL DEBENTURES GUARANTEE ACT. 1917, c. 9; 1918, c. 20, ss. 66-67 am.; 1919, c. 4 am.; 1920, c. 7 am.
- MUNICIPAL DRAINAGE ACT. R.S.O. 1914, c. 198; 1914, c. 21, s. 44 am.; 1916, c. 43 am.; 1918, c. 20, s. 41 am.; 1919, c. 52 am.; 1920, c. 67 am.; 1922, c. 72, s. 296(4) aff., c. 79 am.
- MUNICIPAL DRAINAGE AID ACT. R.S.O. 1914, c. 43; 1915, c. 20, s. 8 am.; 1916, c. 22 am.
- MUNICIPAL ELECTIONS. *See* Disqualification Act; Municipal Act; Municipal Franchise Act; Railway Employees' Voting Act; Ontario Voters' Lists Act; Women's Municipal Franchise Act; Women's Municipal Qualification Act.
- MUNICIPAL ELECTRIC CONTRACTS ACT. R.S.O. 1914, c. 205.
- MUNICIPAL ELECTRIC RAILWAY ACT. 1922, c. 69; 1925, c. 57, s. 2 am.
- MUNICIPAL FRANCHISE ACT. 1922, c. 74; 1923, c. 43 am.; 1924, c. 54 am.
- MUNICIPAL FRANCHISES ACT. R.S.O. 1914, c. 197; 1915, c. 38 am.; 1919, c. 51 am.
- MUNICIPAL GRANTS. *See* Act to authorize and confirm Grants by Municipal Corporations for Patriotic Purposes.
- MUNICIPAL HOUSING ACT. 1920, c. 84.
- MUSEUM. *See* Royal Ontario Museum Act.

## N

- NATURAL GAS. *See* Natural Gas Conservation Act.
- NATURAL GAS AND OIL WELLS ACT. R.S.O. 1914, c. 250; 1916, c. 57 am.; 1920, c. 12, s. 11 aff.; 1924, c. 75 am.
- NATURAL GAS CONSERVATION ACT. 1921, c. 17; 1922, c. 23 am.; 1924, c. 74 am.; 1925, c. 21, ss. 2-4 am., ss. 5-7 aff.
- NEGLECTED AND DEPENDENT CHILDREN. *See* Children's Protection Act.
- NEWFOUNDLAND, GRANT TO. 1914, c. 21, s. 68.
- NIAGARA. *See* Ontario Niagara Development Act.
- NIAGARA FALLS MAGISTRATES. *See* Magistrates Act.
- MISSOURI (WEST) CONTINUATION SCHOOLS. 1914, c. 21, s. 58; 1916, c. 24, s. 38; 1917, c. 27, s. 47.
- NOTARIES ACT. R.S.O. 1914, c. 160.
- NORTHERN DEVELOPMENT ACT. 1926, c. 10.
- NORTHERN AND NORTHWESTERN ONTARIO DEVELOPMENT ACT. 1915, c. 6; 1916, c. 11 am.; 1917, c. 12, c. 13, c. 27, s. 66 am.; 1918, c. 8 am.; 1919, c. 14, c. 15 am.; 1921, c. 18; 1922, c. 18 am.; 1923, c. 8 am.; 1924, c. 14 am.; 1925, c. 19; 1926, c. 9, s. 2 aff., c. 10 am.
- NORTHERN FIRE RELIEF ACT. 1923, c. 7.
- NORTHERN LIGHT RAILWAYS ACT. 1920, c. 152; 1921, c. 132 am.
- NORTHERN ONTARIO APPROPRIATION ACT. 1926, c. 9.
- NORTHERN ONTARIO. *See* Legislative Secretary for Northern Ontario Act; Northern Ontario Appropriation Act; Northern Development Act; Northern and North Western Ontario Development Act.
- NORTHERN ONTARIO FIRE RELIEF COMMITTEE ACT. 1923, c. 9.
- NOXIOUS WEEDS ACT. R.S.O. 1914, c. 253; 1916, c. 59 am.; 1920, c. 94 am.; 1926, c. 63, s. 22 (2) aff.
- NURSES. *See* Registration of Nurses Act.

## O

- OBSTRUCTIONS ON HIGHWAYS REMOVAL. *See* Highway Improvement Act.
- OFFENSIVE WEAPONS ACT. R.S.O. 1914, c. 239.
- OFFICIAL NOTICES' PUBLICATION ACT. R.S.O. 1914, c. 19; 1926, c. 21, s. 4 am.
- OIL WELLS. *See* Well Drillers' Act.
- ONE DAY'S REST IN SEVEN ACT. 1922, c. 93.
- ONTARIO ARCHITECTS ACT. R.S.O. 1914, c. 167; 1925, c. 52 am.
- ONTARIO COMPANIES ACT. R.S.O. 1914, c. 178; 1914, c. 29 am.; 1915, c. 20, s. 18 am.; 1916, c. 35 am.; 1917, c. 38 am.; 1918, c. 20, ss. 28-30 am.; 1919, c. 41 am.; 1920, c. 53 am.; 1921, c. 58 am., c. 62, s. 7 aff.; 1923, c. 37 am.; 1924, c. 47 am.; 1925, c. 53 am.; 1926, c. 48 am.
- ONTARIO CONTROVERTED ELECTIONS ACT. R.S.O. 1914, c. 10; 1926, c. 4, s. 8 (2) aff.
- ONTARIO CULLERS ACT. R.S.O. 1914, c. 172; 1924, c. 46 rep. and sub.
- ONTARIO ELECTION ACT. 1926, c. 4.
- ONTARIO FARM LOANS ACT. 1921, c. 33; 1922, c. 37 am.
- ONTARIO FRANCHISE. *See* Ontario Voters' Lists Act.
- ONTARIO GAME AND FISHERIES ACT. R.S.O. 1914, c. 262; 1914, c. 46 am.; 1915, c. 20, s. 23 am.; 1916, c. 60 am.; 1917, c. 27, s. 37 am.; 1918, c. 48, c. 49 am., c. 50, s. 7 aff.; 1919, c. 72 am.; 1920, c. 97 am.; 1921, c. 87 am.; 1922, c. 97 am.; 1924, c. 80 am.; 1925, c. 76 am.; 1926, c. 64 am.
- ONTARIO HABEAS CORPUS ACT. R.S.O. 1914, c. 84; 1926, c. 27 am.
- ONTARIO HIGHWAYS. *See* Highway Improvement Act.
- ONTARIO HOUSING ACT. 1919 c. 54, c. 25, ss. 42, 44 am.; 1920, c. 83 am.
- ONTARIO INSURANCE ACT. 1924, c. 50; 1925, c. 54, ss. 2-40 am., s. 41 aff; 1926, c. 49 am.
- ONTARIO LAND SURVEYORS ACT. R.S.O. 1914, c. 165; 1914, c. 26 am.; 1917, c. 36 am.; 1919, c. 25, s. 22 am.; 1920, c. 49 am.; 1924, c. 44 am.; 1925, c. 51 am.
- ONTARIO LOAN ACTS. 1917, c. 3; 1923, c. 2; 1924, c. 9; 1925, c. 2; 1926, c. 6.
- ONTARIO MEDICAL ACT. R.S.O. 1914, c. 161; 1914, c. 2, s. 4 am.; 1915, c. 27 am.; 1916, c. 24, s. 24 am.; 1918, c. 20, s. 26 am.; 1919, c. 25, ss. 20-21, 44 am.; 1923, c. 35 am.; 1925, c. 48 am.
- ONTARIO MONEY LENDERS ACT. R.S.O. 1914, c. 175.; 1925, c. 56 am.
- ONTARIO NIAGARA DEVELOPMENT ACT. 1916, c. 20; 1917, c. 21 am.
- ONTARIO PAROLE ACT. 1917, c. 63; 1921, c. 92.
- ONTARIO PAWNBROKERS' ACT. R.S.O. 1914, c. 176.
- ONTARIO PUBLIC SERVICE ACT. R.S.O. 1914, c. 14; 1914, c. 21, ss. 2, 71 am.; 1915, c. 20, s. 1 am.; 1917, c. 27, s. 12 a.m.; 1918, c. 5 aff.; 1925, c. 10, ss. 2, 4 am., s. 3 aff.; 1926 c. 21, s. 3 a.m.
- ONTARIO PUBLIC SERVICE SUPERANNUATION ACT. 1920, c. 4; 1921. c. 3 am.; 1922, c. 5 am; 1924, c. 7 am.; 1926, c. 21, s. 26 am.
- ONTARIO PUBLIC TRUSTEE ACT. 1919, c. 32; 1921, c. 47, s. 2 am.
- ONTARIO PUBLIC WORKS ACT. R.S.O. 1914, c. 35; 1916, c. 19, s. 5 aff.; 1926, c. 15 s. 34 aff.
- ONTARIO RAILWAY ACT. R.S.O. 1914, c. 185; 1914, c. 21, s. 40 am.; 1916, c. 31, s. 10 am.; 1917, c. 27, s. 31, c. 39 am.; 1918, c. 30 am.; 1919, c. 44 am.; 1920, c. 56 am.; 1922, c. 66 am., c. 67 am.; 1924, c. 51 am.
- ONTARIO RAILWAY AND MUNICIPAL BOARD ACT. R.S.O. 1914, c. 186; 1915, c. 31 am.; 1916, c. 24, ss. 25-26 am.; 1919, c. 25, ss. 25, 44 am.; 1922, c. 68 am., 1926, c. 21, s. 23 am.
- ONTARIO REFORMATORY ACT. R.S.O. 1914, c. 287; 1914, c. 51 am.; 1915, c. 20, s. 24 am.
- ONTARIO STALLION ACT. R.S.O. 1914, c. 249; 1914, c. 44 am.; 1915, c. 20, s. 22 am.; 1924, c. 73 aff.
- ONTARIO SUMMARY CONVICTIONS ACT. 1926, c. 31.
- ONTARIO TELEGRAPH ACT. R.S.O. 1914, c. 180.

- ONTARIO TELEPHONE ACT. R.S.O. 1914, c. 188; 1914, c. 32 am.; 1915, c. 33 am.; 1916, c. 38 am.; 1917, c. 40 am.; 1918, c. 31 rep.; 1919, c. 43 am.; 1921, c. 62 am.; 1922, c. 70 am.; 1924, c. 52 am.; 1925, c. 58 am.; 1926, c. 51 am.
- ONTARIO TEMPERANCE ACT. 1916, c. 50; 1917, c. 50 am.; 1918, c. 40 am.; 1919, c. 60, c. 61, s. 2 am.; 1920, c. 78, c. 80 am.; 1921, c. 73 am.; 1922, c. 50, s. 9 am., c. 86 am., c. 87 aff.; 1924, c. 65 am., c. 66, s. 10 rep.; 1925, c. 67 am.
- ONTARIO VOTERS' LISTS ACT. 1926, c. 3.
- OPTOMETRY ACT. 1919, c. 39; 1920, c. 52 am.; 1925, c. 50 am.
- ORGANIZATION OF RESOURCES ACT. 1916, c. 4; 1917, c. 27, ss. 61-63 am.
- OSGOODE HALL. *See* Transfer of Documents to Provincial Archivist Act.
- OTTAWA SEPARATE SCHOOLS ACT. 1915, c. 45; 1916, c. 24, s. 41 am.; 1917, c. 60 aff.
- OTTAWA SEPARATE SCHOOLS COMMISSION ACT. 1917, c. 59.

## P

- PAPER MILLS. *See* Mills Licensing Act.
- PARENTS' MAINTENANCE ACT. 1921, c. 52.
- PARKS. *See* Burlington Beach Act; Provincial Parks Act; Public Parks Act; Queen Victoria Niagara Falls Park Act; Queenston Heights Park Act.
- PAROLE. *See* Ontario Parole Act.
- PARTITION ACT. R.S.O. 1914, c. 114.
- PARTNERSHIP. *See* Limited Partnership Act; Partnership Act; Partnership Registration Act.
- PARTNERSHIP ACT. 1920, c. 41.
- PARTNERSHIP REGISTRATION ACT. R.S.O. 1914, c. 139.
- PATRIOTIC PURPOSES. *See* Act to authorize and confirm Grants by Municipal Corporations for Patriotic Purposes.
- PAWNBROKERS. *See* Ontario Pawnbrokers Act.
- PAYMENT OF INSURANCE ON LIVES OF SOLDIERS ACT. 1920, c. 61.
- PEACE PRESERVATION. *See* Public Works Peace Preservation Act.
- PETTY TRESPASS ACT. R.S.O. 1914, c. 111.
- PHARMACY ACT. R.S.O. 1914, c. 164; 1914, c. 21, s. 34 am.; 1915, c. 28 am.; 1917, c. 35 am.; 1920, c. 47 am.; 1923, c. 36 am.; 1924, c. 43 am.
- PLANNING AND DEVELOPMENT ACT. 1917, c. 44, c. 30 aff.; 1918, c. 38 rep.; 1919, c. 53 am.; 1920, c. 60 am.; 1921, c. 65 am.; 1924, c. 58 am.; 1926, c. 54 am.
- POLICE. *See* Constables Act; County Board of Police Commissioners; Magistrates Act; Police Constables Bail Act; Police Magistrates Act; Police Magistrates Extended Jurisdiction Act; Provincial Police Force Act.
- POLICE CONSTABLES' BAIL ACT. R.S.O. 1914, c. 95.
- POLICE MAGISTRATES. *See* Magistrates Act.
- POLICE MAGISTRATES' EXTENDED JURISDICTION ACT. 1921, c. 42; 1922, c. 48, s. 2, rep.
- POLITICAL CONTRIBUTIONS ACT. 1914, c. 6.
- POOL ROOMS. *See* Minors' Protection Act.
- POPLAR PULP WOOD EXPORT ACT. 1919, c. 11.
- PORCUPINE RAND BELT ELECTRIC RAILWAY. 1914, c. 21, s. 70.
- PORT ARTHUR. *See* Fort William and Port Arthur Boundaries Act; Fort William Land Titles and Registry Office Act; Statute Law Amendment Act, 1917, c. 27, s. 71 am.
- POST-GRADUATE STUDY. *See* French Scholarship Act.
- POUNDS ACT. R.S.O. 1914, c. 247; 1925, c. 72 am.
- POWER. *See* An Act respecting the Filing of Claims against Certain Companies or their Properties; Central Ontario Power Act; Ontario Niagara Development Act; Power Commission Act; Power Commission and Companies Transfer Act; Toronto Power and Railway



Purchase Act; Water Powers' Regulation Act; An Act to confirm an Agreement between The Hydro-Electric Power Commission of Ontario, the City of Toronto and the Toronto Harbour Commissioners.

POWER COMMISSION ACT. R.S.O. 1914, c. 39; 1914, c. 16 am.; 1915, c. 19 am.; 1916, c. 19 am.; 1917, c. 20 am.; 1918, c. 14 am.; 1919, c. 16 am.; 1920, c. 18 am.; 1921, c. 20 am.; 1922, c. 31 am.; 1923, c. 12 aff.; 1924, c. 23 am.; 1925, c. 23, ss. 2-5 am., ss. 6, 7 aff., c. 29, s. 3 am.; 1926, c. 16, s. 3 am., c. 17, s. 2 am., s. 3 aff.

POWER COMMISSION AND COMPANIES TRANSFER ACT. 1924, c. 24.; 1925, c. 24, s. 2 am., ss. 3-5 aff.

POWERS OF ATTORNEY ACT. R.S.O. 1914, c. 106.

PRESQU'ILE PARK ACT. 1922, c. 39; 1923, c. 6, s. 2 aff.

PREVENTION OF ACCIDENTS BY FIRE IN HOTELS ACT. R.S.O. 1914, c. 237.

PRISONS AND PUBLIC CHARITIES INSPECTION ACT. R.S.O. 1914, c. 301; 1916, c. 24, s. 47 am.; 1919, c. 32, s. 4, c. 83, s. 3 am.; 1925, c. 81 am.

PRIVATE DETECTIVES ACT. 1926, c. 47.

PRIVATE FOREST RESERVES ACT. 1919, c. 68.

PRIVATE SANITARIUM ACT. R.S.O. 1914, c. 296; 1926, c. 71, s. 13 (1) (a) aff.

PRIVY COUNCIL APPEALS ACT. R.S.O. 1914, c. 54; 1926 c. 21, s. 12 am.

PROBATION ACT. 1922, c. 103.

PROFESSIONAL ENGINEERS ACT. 1922, c. 59.

PROHIBITION. *See* Temperance.

PROPERTY AND CIVIL RIGHTS ACT. R.S.O. 1914, c. 101.

PROTECTION OF BIRDS ACT. R.S.O. 1914, c. 263; 1918, c. 50, s. 7 aff

PROTECTION OF PURE-BRED CATTLE ACT. 1914, c. 43.

PROVINCIAL AID TO DRAINAGE ACT. 1921, c. 28.

PROVINCIAL AUCTIONEERS' LICENSE ACT. 1921, c. 57.

PROVINCIAL HIGHWAY. *See* Highway Improvement Act.

PROVINCIAL LAND TAX ACT. 1924, c. 13; 1925, c. 17, ss. 2, 3 am., s. 4 aff.; 1926, c. 7, ss. 2, 3 am.

PROVINCIAL LOANS. *See* Loans.

PROVINCIAL LOANS ACT. R.S.O. 1914, c. 21; 1914, c. 8 am.; 1915, c. 5 am.; 1919, c. 10 am.; 1920, c. 5 am.; 1921, c. 6 am.; 1922, c. 9 am., c. 10 am.

PROVINCIAL PARKS ACT. R.S.O. 1914, c. 52; 1914, c. 21, s. 14 am.; 1919, c. 24 am.

PROVINCIAL POLICE FORCE ACT. 1921, c. 45.

PROVINCIAL STOCK. *See* Ontario Loan Act.

PROVINCIAL WAR TAX ACT. 1915, c. 3; 1916, c. 10 am.; 1919, c. 5 am.

PROVISIONAL COUNTY OF HALIBURTON. *See* Haliburton Act.

PSYCHIATRIC HOSPITALS ACT. 1926, c. 71.

PUBLIC AND OTHER WORKS WAGES ACT. R.S.O. 1914, c. 142.

PUBLIC AUTHORITIES' PROTECTION ACT. 1926, c. 30.

PUBLIC BUILDINGS. *See* Egress from Public Buildings Act.

PUBLIC HEALTH. *See* Health.

PUBLIC HEALTH ACT. R.S.O. 1914, c. 218; 1914, c. 21, ss. 46-47 am.; 1915, c. 40 am.; 1916, c. 51 am.; 1917, c. 51 am.; 1918, c. 41 am.; 1919, c. 25, ss. 30, 44, c. 62 am.; 1920, c. 81; 1921, c. 74 am.; 1922, c. 88 am.; 1923, c. 52 am.; 1924, c. 68 am., c. 69, s. 6 aff., s. 8 am., c. 83, s. 4 am.; 1925, c. 69 am.

PUBLIC INQUIRIES ACT. R.S.O. 1914, c. 18; 1921, c. 4 am.

PUBLIC INSTITUTIONS AMENDMENT ACT. 1919, c. 83; 1926, c. 71, s. 20 aff.

PUBLIC LANDS ACT. R.S.O. 1914, c. 28; 1914, c. 2, s. 4 am.; 1915, c. 20, s. 3 am.; 1916, c. 11, s. 5 aff.; 1917, c. 10 am.; 1920, c. 12, s. 6 am., s. 8 aff.; 1921, c. 15 am.; 1922, c. 16 am.; 1925, c. 18 am., 1926, c. 8 am., c. 21, s. 6 am.

PUBLIC LIBRARIES ACT. R.S.O. 1914, c. 202; 1916, c. 45 am.; 1919, c. 25, ss. 26-29 am.; 1920, c. 69 rep. and sub.; 1925, c. 63 am.; 1926, c. 56 am.

PUBLIC OFFICERS ACT. R.S.O. 1914, c. 15; 1914, c. 2, s. 4 am.

PUBLIC OFFICERS' FEES ACT. R.S.O. 1914, c. 17; 1914, c. 2, s. 4 am., c. 21, s. 5 am.; 1915, c. 20, s. 2 am.; 1917, c. 27, ss. 4-5 am.; 1922, c. 7 am.; 1924, c. 8 am.

- PUBLIC PARKS ACT.** R.S.O. 1914, c. 203; 1914, c. 2, s. 4 am.; 1920, c. 70 am.; 1921, c. 71 am.; 1926, c. 57 am.
- PUBLIC REVENUE ACT.** R.S.O. 1914, c. 22.
- PUBLIC SCHOOLS ACT.** 1920, c. 100; 1921, c. 89, ss. 4-10 am.; 1922, c. 98, ss. 4-17 am.; 1924, c. 82, ss. 3-13 am., c. 83, s. 3 am.; 1925, c. 78, ss. 3-7, 25 am.; 1926, c. 67, ss. 2, 3, 4 am.
- PUBLIC SERVICE.** *See* General Purchasing Agents Act; Ontario Public Service Act; Ontario Public Service Superannuation Act; Public Officers Act; Public Officers' Fees Act.
- PUBLIC SERVICE WORKS ON HIGHWAYS.** 1925, c. 29; 1926, c. 16 am.
- PUBLIC TRUSTEE.** *See* Ontario Public Trustee Act.
- PUBLIC UTILITIES ACT.** R.S.O. 1914, c. 204; 1914, c. 2, s. 4, c. 35 am.; 1916, c. 24, s. 29 am.; 1917, c. 14, s. 13, c. 47 am.; 1920, c. 71, c. 73 am.; 1924, c. 61 am.; 1925, c. 64 am.
- PUBLIC UTILITIES CORPORATIONS ACT.** R.S.O. 1914, c. 189.
- PUBLIC VEHICLE ACT.** 1923, c. 49; 1924, c. 63 am.; 1925, c. 66 am.; 1926, c. 58, s. 5 aff.; c. 59 am.
- PUBLIC WORKS.** *See* Ontario Public Works Act.
- PUBLIC WORKS PEACE PRESERVATION ACT.** R.S.O. 1914, c. 36.
- PULP.** *See* Mills Licensing Act.
- PULPWOOD.** *See* Export of Pulpwood Act; Poplar Pulpwood Export Act; Pulpwood Export Act.
- PULPWOOD EXPORT ACT.** 1920, c. 14.
- PUNISHMENT FOR PERSONATION ACT.** R.S.O. 1914, c. 9; 1917, c. 6, s. 18 am.
- PURCHASE OF TIMBER LIMITS OF THE PEMBROKE LUMBER COMPANY.** 1914, c. 13.
- PURCHASING AGENT ACT.** 1918, c. 7.
- PURE-BRED CATTLE.** *See* Protection of Pure-Bred Cattle Act.

## Q

- QUEEN VICTORIA NIAGARA FALLS PARK ACT.** R.S.O. 1914, c. 50; 1914, c. 2, s. 4 am.; 1915, c. 14 am.; 1917, c. 27, s. 16 am.; 1920, c. 31 am.; 1922, c. 38 am.; 1923, c. 18 am.; 1925, c. 32 am.
- QUEENSTON HEIGHTS PARK ACT.** R.S.O. 1914, c. 51.
- QUIETING TITLES ACT.** R.S.O. 1914, c. 123.

## R

- RACE TRACKS.** *See* Corporations Tax Act.
- RADIAL.** *See* Railways.
- RADIUM ACT.** 1914, c. 15; 1920, c. 12, s. 11 aff.
- RAILWAYS.** *See* County of York Radial Railway Act; Guelph Railway Act; Hydro-Electric Railway Act; Municipal Electric Railway Act; Ontario Railway Act; Ontario Railway and Municipal Board Act; Railway Employees' and Commercial Travellers' Voting Act; Toronto Power and Railway Purchase Act; Toronto Radial Railway Act; Toronto Suburban Railway Company.
- RAILWAY EMPLOYEES' AND COMMERCIAL TRAVELLERS' VOTING ACT.** 1923, c. 44; 1924, c. 55 am.; 1925, c. 60 am.
- RAILWAY EMPLOYEES' VOTING.** *See* Railway Employees' and Commercial Travellers Voting Act.
- RAILWAY FIRE CHARGE ACT.** 1925, c. 16.
- RECEPTION HOSPITALS FOR THE INSANE.** *See* Psychiatric Hospitals Act.
- RECIPROCAL INSURANCE ACT.** 1922, c. 62; 1924, c. 50, s. 275 rep.
- RED LAKE MINING DIVISION ACT.** 1926, c. 12.
- REDEMPTION OF GOVERNMENT STOCK.** *See* Ontario Loan Act.
- REFINING OF METALS.** *See* Metal Refining Bounty Act.
- REFORESTATION.** *See* Counties' Reforestation Act; Reforestation Act.
- REFORESTATION ACT.** 1921, c. 19; 1923, c. 10 am.
- REFORMATORY.** *See* Ontario Reformatory Act.
- REGISTRATION.** *See* Brokers' Registration Act; Land Titles Act; Manhood Suffrage Registration Act; Partnership Registration Act; Registration of Nurses Act; Registry Act; Statute Law Amendment Act, 1918, c. 20, s. 70; 1919, c. 25, s. 37; Toronto Registry Office Act.

- REGISTRATION OF NURSES ACT. 1922, c. 60.
- REGISTRY ACT. R.S.O. 1914, c. 124; 1914, c. 23 am.; 1915, c. 6, s. 4, c. 20, s. 13 am.; 1916, c. 11, s. 5 aff.; c. 24, s. 20 am.; 1917, c. 27, ss. 25-27 am., c. 30, c. 32 am.; 1918, c. 27 am.; 1919, c. 25, ss. 16-19 am.; 1921, c. 49 am.; 1922, c. 2, s. 9 am.; 1923, c. 26 am., c. 27 aff.; 1924, c. 38 am.; 1925, c. 39, s. 2 am., ss. 3, 4 aff., c. 40, ss. 2, 3 aff.
- RELIGIOUS INSTITUTIONS ACT. R.S.O. 1914, c. 286; 1920, c. 106 am.
- REPLEVIN ACT. R.S.O. 1914, c. 69; 1920, c. 37 am.; 1926, c. 21, s. 14 am.
- REPRESENTATION ACT. 1925, c. 7; 1926, c. 2 am.
- RETURNED SOLDIERS' AND SAILORS' LAND SETTLEMENT ACT. 1917, c. 13; 1918, c. 8, s. 2 aff.; 1919, c. 15 aff.; 1920, c. 16 am.; 1921, c. 18 aff.; 1926, c. 9, s. 2 aff., c. 10, ss. 3, 6, 11, aff.
- REVISION OF STATUTES. *See* Statute Revision Amendment Act, 1926, c. 21.
- REVENUE. *See* An Act for Raising Money on the Credit of the Consolidated Revenue Fund of Ontario; Consolidated Revenue Fund Act; Public Revenue Act.
- RIOTS. *See* Public Works Peace Preservation Act.
- RIVERS. *See* Beach Protection Act; Rivers and Streams Act.
- RIVERS AND STREAMS ACT. R.S.O. 1914, c. 130; 1915, c. 15; 1922, c. 55.
- ROAD CONSTRUCTION. 1917, c. 27, s. 70.
- ROADS. *See* Highways.
- ROYAL ONTARIO MUSEUM ACT. R.S.O. 1914, c. 285; 1914, c. 50 am.; 1920, c. 12, s. 10 aff.; 1926, c. 70, am.
- ROYAL AGRICULTURAL WINTER FAIR ASSOCIATION AND THE CITY OF TORONTO. 1926, c. 20.
- RURAL HYDRO-ELECTRIC DISTRIBUTION ACT. 1921, c. 21; 1922, c. 32, s. 2 am., s. 3 aff.; 1923, c. 13 am.; 1924, c. 25 ss. 2, 3 am., s. 4 aff.

## S

- SALARIES TO CERTAIN OFFICERS. 1918, c. 20, ss. 62, 64.
- SALE OF GOODS ACT. 1920, c. 40.
- SALE OF SECURITIES ACT. 1923, c. 38; 1924, c. 48.
- SALES. *See* Bulk Sales Act; Milk Sales Act; Sale of Goods Act.
- SANATORIA FOR CONSUMPTIVES ACT. R.S.O. 1914, c. 298; 1914, c. 56 am.; 1916, c. 24, s. 45 am.; 1917, c. 27, s. 56 am.; 1918, c. 20, s. 51 am.; 1919, c. 83, s. 13 am.; 1920, c. 109 am.; 1926, c. 72 am.
- SAW LOGS. *See* Ontario Cullers Act; Saw Logs Driving Act.
- SAW LOGS DRIVING ACT. R.S.O. 1914, c. 131; 1914, c. 2, s. 4 am.
- SAW MILLS. *See* Mills Licensing Act.
- SCHOOLS. *See* Education.
- SCHOOL ATTENDANCE ACT. 1919, c. 77; 1921, c. 89, ss. 19-26 am.; 1922, c. 98, s. 24 am.
- SCHOOL LAW AMENDMENT ACT. 1915, c. 43; 1916, c. 24, s. 39 am.; 1917, c. 27, s. 48 am.; 1918, c. 51 am.; 1919, c. 73 am.; 1920, c. 99 am.; 1921, c. 89 am., c. 90, s. 18 am.; 1922, c. 98 am.; 1924, c. 82 am.; 1925, c. 78 am.; 1926, c. 67 am.
- SCHOOL MEDICAL AND DENTAL INSPECTION ACT. 1924, c. 83.
- SCHOOL SITES ACT. R.S.O. 1914, c. 277; 1919, c. 73, s. 19 am.; 1920, c. 99, ss. 8-9 am.; 1921, c. 91 am.; 1922, c. 100 am.; 1924, c. 82, s. 19 am.
- SCHOOL TRUST CONVEYANCES ACT. R.S.O. 1914, c. 278.
- SCHOOLS FOR THE DEAF AND BLIND ACT. R.S.O. 1914, c. 273; 1922, c. 98, s. 29 am.
- SECRETARY. *See* Legislative Secretary for Northern Ontario Act.
- SECURITIES. *See* Sale of Securities Act.
- SEDUCTION ACT. R.S.O. 1914, c. 72.
- SEPARATE SCHOOLS ACT. R.S.O. 1914, c. 270; 1914, c. 2, s. 4 am.; 1916, c. 24, s. 40 aff.; 1917, c. 27, s. 51 am.; 1919, c. 6 aff., c. 73, s. 18 am.; 1920, c. 101 am.; 1922, c. 99 am.
- SETTLED ESTATES ACT. R.S.O. 1914, c. 74; 1926, c. 21, s. 16 am.
- SHEEP. *See* Dog Tax and Sheep Protection Act.
- SHERIFFS ACT. R.S.O. 1914, c. 16; 1914, c. 21, ss. 3-4 am.; 1918, c. 20, ss. 7-8 am.; 1922, c. 6 am.; 1924, c. 7, s. 4 aff.; 1926, c. 21, s. 28 am.
- SHEVLIN-CLARKE TIMBER LICENSE ACT. 1922, c. 20.
- SHORT FORMS OF CONVEYANCES ACT. R.S.O. 1914, c. 115.
- SHORT FORMS OF LEASES ACT. R.S.O. 1914, c. 116.



- SHORT FORMS OF MORTGAGES ACT. R.S.O. 1914, c. 117.
- SHOWS. *See* Travelling Shows Act.
- SNOW FENCES ACT. R.S.O. 1914, c. 211; 1916, c. 48 am.
- SNOW ROADS ACT. R.S.O. 1914, c. 208.
- SOLDIERS. *See* An Act to confer Certain Provisions respecting Hospitals on the Lieutenant-Governor in Council; Payment of Insurance on Lives of Soldiers Act; Returned Soldiers' and Sailors' Land Settlement Act; Soldiers' Aid Commission Act; Soldiers' Children's Protection Act; Soldiers' and Sailors' Proof of Death Act.
- SOLDIERS' AID COMMISSION ACT. 1916, c. 3; 1917, c. 27, s. 60 am.; 1919, c. 25, ss. 34, 44 am.; 1920, c. 29 am.; 1922, c. 40 am.
- SOLDIERS' CHILDREN'S PROTECTION ACT. 1920, c. 29.
- SOLDIERS' AND SAILORS' PROOF OF DEATH ACT. 1919, c. 30; 1921, c. 40 am.
- SOLEMNIZATION OF MARRIAGE. *See* Marriage Act.
- SOLICITORS ACT. R.S.O. 1914, c. 159; 1920, c. 45 am.
- SPECIAL CLASSES ACT. R.S.O. 1914, c. 272; 1914, c. 49, s. 14 rep.
- STALLIONS. *See* Ontario Stallion Act.
- STANDARD HOTEL REGISTRATION ACT. 1923, c. 50.
- STATIONARY ENGINEERS. *See* Stationary and Hoisting Engineers Act.
- STATIONARY AND HOISTING ENGINEERS ACT. 1919, c. 37; 1920, c. 50 am.; 1921, c. 56 am.
- STATUTE OF FRAUDS. R.S.O. 1914, c. 102; 1916, c. 24, s. 19 am.; 1918, c. 20, s. 58 am.; 1920, c. 40, s. 59 am.
- STATUTE LABOUR ACT. R.S.O. 1914, c. 196; 1916, c. 42 am.; 1917, c. 46 am.; 1918, c. 35 am.; 1920, c. 65 am.; 1921, c. 69 am.
- STATUTES ACT. R.S.O. 1914, c. 2; 1918, c. 20, ss. 1-2 am.; 1925, c. 6 am.
- STATUTE REVISION AMENDMENT ACT. 1926, c. 21.
- STEAM BOILER ACT. R.S.O. 1914, c. 252; 1916, c. 13, s. 9 aff., c. 58 am.; 1918, c. 20, ss. 45-46 am.; 1922, c. 95 am.
- STEAM THRESHING ENGINES ACT. R.S.O. 1914, c. 251.
- STENOGRAPHIC REPORTERS ACT. R.S.O. 1914, c. 168.
- SUBURBAN AREAS. *See* City and Suburbs Plans Act; Planning and Development Act; Suburban Area Development Act.
- SUBURBAN AREA DEVELOPMENT ACT. 1921, c. 66; 1922, c. 77 am.
- SUCCESSION DUTY ACT. R.S.O. 1914, c. 24; 1914, c. 2, s. 4, c. 10 am.; 1915, c. 7 am.; 1916, c. 7 am.; 1917, c. 27, ss. 7-8 am.; 1918, c. 6 am.; 1919, c. 9 am.; 1920, c. 8 am.; 1921, c. 10 am.; 1925, c. 13 am.
- SUDBURY, OTTAWA AND PRESCOTT HIGHWAY. 1915, c. 20, s. 29.
- SULPHUR FUMES. *See* Damage by Fumes Arbitration Act.
- SUMMARY CONVICTIONS. *See* Ontario Summary Convictions Act.
- SUPERANNUATION. *See* Ontario Public Service Superannuation Act; Teachers' and Inspectors' Superannuation Act.
- SURROGATE COURTS ACT. R.S.O. 1914, c. 62; 1914, c. 2, s. 4 am.; 1916, c. 28 am.; 1917, c. 28 am.; 1918, c. 22 am.; 1919, c. 27 am.; 1920, c. 33 am.; 1921, c. 47, ss. 4-5 am.; 1922, c. 44 am.; 1925, c. 33 am.; 1926, c. 23 am.
- SURVEYS ACT. 1920, c. 48; 1924, c. 45 am.
- SURVEYORS. *See* Ontario Land Surveyors Act.
- SWARMS OF BEES ACT. R.S.O. 1914, c. 107.

## T

- TAX ON REGISTRATION OF MORTGAGES. 1918, c. 20, s. 70; 1919, c. 25, s. 37 am.
- TAXATION. *See* Amusements Tax Act; Corporations Tax Act; Department of Mines Act; Gasoline Tax Act; Land Transfers Tax Act; Luxury Tax Act; Mining Tax Act; Mining Tax Titles Validity Act; Provincial Land Tax Act; Railway Fire Charge Act; Succession Duty Act.
- TEACHERS' AND INSPECTORS' SUPERANNUATION ACT. 1917, c. 58; 1918, c. 51, ss. 6-11, 13 am.; 1919, c. 74 am.; 1920, c. 99, s. 10 am.; 1921, c. 89, ss. 17-18 am.; 1922, c. 98, ss. 25-28 am.; 1924, c. 7, s. 7, aff.; 1925, c. 78, ss. 23, 24 am.

- TECHNICAL EDUCATION. *See* Industrial Education; Technical Education Act; Vocational Education Act.
- TECHNICAL EDUCATION—SALARY OF DIRECTOR. 1918, c. 20, s. 62.
- TECHNICAL EDUCATION ACT. 1920, c. 102; 1922, c. 98, s. 22 aff.
- TELEGRAPH. *See* Ontario Telegraph Act.
- TELEPHONE. *See* Ontario Telephone Act; Telephone Amendment Act
- TELEPHONE AMENDMENT ACT. 1915, c. 33.
- TEMISKAMING COURTS ACT. 1921, c. 39; 1922, c. 2, s. 13 rep.
- TEMISKAMING AND NORTHERN ONTARIO RAILWAY ACT. R.S.O. 1914, c. 38; 1914, c. 2, s. 4 am.; 1915, c. 20, ss. 5-6 am.; 1917, c. 27, s. 13 am.; 1918, c. 20, s. 9 am.; 1919, c. 25, s. 5 am.; 1925, c. 22 am.
- TEMISKAMING AND NORTHERN ONTARIO RAILWAY EXTENSION ACT. 1920, c. 17.
- TEMPERANCE. *See* Ontario Temperance Act; Temperance Referendum Act.
- TEMPERANCE REFERENDUM ACT. 1919, c. 61.
- TERRITORIAL DIVISIONS ACT. R.S.O. 1914, c. 3; 1914, c. 2, s. 4, c. 3 am.; 1917, c. 27, s. 1 am.
- THEATRES AND CINEMATOGRAPHS ACT. R.S.O. 1914, c. 236; 1914, c. 21, s. 53 am.; 1915, c. 20, s. 21 am.; 1916, c. 24, ss. 31-32 am.; 1917, c. 27, ss. 34-35 am.; 1918, c. 20, ss. 43-44 am.; 1919, c. 66 am.
- THRESHING MACHINES. *See* Steam Threshing Machines Act; Threshing Machines Act.
- THRESHING MACHINES ACT. R.S.O. 1914, c. 238.
- TICKET SPECULATION ACT. 1914, c. 39.
- TILE DRAINAGE ACT. R.S.O. 1914, c. 44; 1914, c. 18; 1916, c. 23 am.; 1917, c. 24 am.; 1918, c. 20, s. 10 am.; 1920, c. 26 am.; 1923, c. 14 am.
- TIMBER. *See* Ontario Cullers' Act.
- TIMBER-CUTTING PRIVILEGES ACT. 1922, c. 19.
- TIMBER LIMITS. *See* Crown Timber Act; Purchase of Timber Limits of the Pembroke Lumber Company Act; Shevlin-Clarke Timber License Act; Timber-Cutting Privileges Act.
- TIMBER SLIDE COMPANIES ACT. R.S.O. 1914, c. 181; 1921, c. 59 am.
- TIMMINS, TOWN OF—DEBENTURES OF SEPARATE SCHOOL BOARD. 1917, c. 27, s. 69; 1918, c. 20, s. 59 am. *See* Debentures Guarantee Act, 1924; Debentures Guarantee Amendment Act, 1925.
- TINY—TOWNSHIP OF, AUTHORIZED TO PURCHASE LANDS FROM CROWN. 1916, c. 24, s. 52.
- TISDALE, TOWNSHIP OF. *See* Municipal Debentures Guarantee Act.
- TOLL ROADS ACT. R.S.O. 1914, c. 210; 1919, c. 58 am.
- TOLLS EXEMPTION ACT. R.S.O. 1914, c. 209.
- TORONTO BOARD OF EDUCATION ACT. 1915, c. 44.
- TORONTO CONSERVATORY OF MUSIC—AGREEMENT WITH UNIVERSITY OF TORONTO. 1919, c. 79.
- TORONTO GENERAL HOSPITAL ACT. R.S.O. 1914, c. 299; 1918, c. 20, ss. 52-53 am.
- TORONTO AND HAMILTON HIGHWAY COMMISSION ACT. 1925, c. 27, s. 5 rep. *See* Highway Improvement Act.
- TORONTO POWER AND RAILWAY PURCHASE ACT. 1921, c. 23.
- TORONTO RADIAL RAILWAY ACT. 1921, c. 24; 1925, c. 57, ss. 6, 7 am.
- TORONTO REGISTRY OFFICE ACT. 1923, c. 27.
- TORONTO SUBURBAN RAILWAY COMPANY ACT. 1922, c. 35.
- TORONTO AND YORK CROWN ATTORNEYS ACT. 1921, c. 44.
- TOWN SITES ACT. R.S.O. 1914, c. 34; 1922, c. 25 am.; 1926, c. 21, s. 8 am.
- TOWNSHIP OF WHITNEY DEBENTURES ACT. 1924, c. 2.
- TRACTION ENGINES ACT. R.S.O. 1914, c. 212; 1916, c. 49, s. 9 am.; 1923, c. 48, s. 67 rep.
- TRADE DISPUTES ACT. R.S.O. 1914, c. 145.
- TRADES AND LABOUR BRANCH ACT. 1916, c. 13; 1917, c. 15 am.; 1918, c. 20, s. 56 am.; 1919, c. 22 aff.; 1921, c. 77 am.
- TRANSFER OF PROPERTY. *See* Conveyancing and Law of Property Act; Land Titles Act; Registry Act; Short Forms of Conveyances Act.
- TRANSFER OF RECORDS TO PROVINCIAL ARCHIVIST. 1916, c. 25.
- TRAVELLING SHOWS ACT. R.S.O. 1914, c. 214; 1914, c. 21, s. 45 am.; 1915, c. 20, s. 20 am.; 1920, c. 77 am.; 1922, c. 84 am.
- TREE PLANTING ACT. R.S.O. 1914, c. 213.

TRUANCY ACT. R.S.O. 1914, c. 274; 1914, c. 21, ss. 62-63 am.; 1917, c. 27, ss. 52-54 am.; 1919, c. 77 am.

TRUSTEE ACT. 1926, c. 40.

TRUST CORPORATIONS. *See* Loan and Trust Corporations Act.

## U

UNEMPLOYMENT. *See* An Act respecting Works and Measures to relieve Unemployment; Unemployment Special Rate Act.

UNEMPLOYMENT SPECIAL RATE ACT. 1925, c. 44.

UNIVERSITY ACT. R.S.O. 1914, c. 279; 1914, c. 21, s. 64 am.; 1916, c. 63 am.; 1918, c. 20, s. 50, c. 53 am.; 1919, c. 79; 1922, c. 101 am.; 1924, c. 85 am.; 1926, c. 68 am.

UNIVERSITY AID ACT. 1918, c. 53; 1926, c. 69 aff.

UNIVERSITY LANDS ACT. 1926, c. 14.

UNIVERSITY OF TORONTO—AGREEMENT WITH TORONTO CONSERVATORY OF MUSIC. 1919, c. 79.

UNORGANIZED TERRITORY. *See* Provincial Land Tax.

UPPER CANADA COLLEGE ACT. R.S.O. 1914, c. 280; 1916, c. 24, s. 43 am.; 1918, c. 54 am.; 1919, c. 80 am.; 1922, c. 102 am.

UNWROUGHT METAL SALES ACT. 1924, c. 20; 1926, c. 13 am.

## V

VACANT LAND CULTIVATION ACT. 1918, c. 39; 1919, c. 56 am.; 1920, c. 66 rep.

VACCINATION ACT. R.S.O. 1914, c. 219.

VEHICLES. *See* Public Vehicles Act.

VENDORS AND PURCHASERS ACT. R.S.O. 1914, c. 122; 1926, c. 41 am.

VENEREAL DISEASES PREVENTION ACT. 1918, c. 42; 1920, c. 82 am.; 1922, c. 89 am.

VETERANS' LAND GRANT ACT. 1901, c. 6; 1920, c. 15; 1922, c. 17 am.

VETERINARY COLLEGE ACT. R.S.O. 1914, c. 282; 1919, c. 81 am.

VETERINARY SCIENCE PRACTICE ACT. 1920, c. 51; 1926, c. 21, s. 27 am.

VETERINARY SURGEONS ACT. 1920, c. 51.

VEXATIOUS ACTIONS. *See* Public Authorities Protection Act.

VITAL STATISTICS ACT. 1919, c. 23; 1926, c. 21, s. 25 am.

VOCATIONAL EDUCATIONAL ACT. 1921, c. 90; 1922, c. 98, s. 22 aff.; 1924, c. 82, s. 18 am.; 1926, c. 67, s. 7 am.

VOTERS' LISTS. *See* Ontario Voters' Lists Act.

## W

WAGES ACT. R.S.O. 1914, c. 143; 1920, c. 42 am.; 1925, c. 42 am.

WAGES ON PUBLIC WORKS. *See* Public and Other Works Wages Act.

WAGES—WOMEN AND GIRLS. *See* Minimum Wage Act.

WALKERTON AGRICULTURAL SOCIETY. *See* Agricultural Societies Act.

WAREHOUSEMEN'S LIEN ACT. 1924, c. 39.

WAR TAX. *See* Provincial War Tax Act.

WATER POWERS' REGULATION ACT. 1916, c. 21; 1917, c. 22 am.; 1918, c. 20, s. 57 am.; 1920, c. 19 am.

WATER PRIVILEGES ACT. R.S.O. 1914, c. 129.

WELL DRILLERS' ACT. 1924, c. 75.

WESTMINSTER CONTINUATION SCHOOL ACT. 1924, c. 84.

WHARFS AND HARBOURS ACT. R.S.O. 1914, c. 182.

WHITNEY. *See* An Act to Provide for the Payment of an Annuity to Alice, Lady Whitney.

WHITNEY, TOWNSHIP OF. *See* Township of Whitney Debentures Act.

WILLS ACT. R.S.O. 1914, c. 120; 1914, c. 21, s. 27 am.; 1919, c. 25, s. 15, c. 29 am. 1926, c. 39 am.



WINTER FAIR ACT. 1926, c. 20.

WITNESSES. *See* Evidence Act. 1

WIVES. *See* Deserted Wives' Maintenance Act; Dower Act.

WOLF BOUNTY ACT. 1924, c. 81; 1925, c. 77 am.

WOMEN'S ASSEMBLY QUALIFICATION ACT. 1919, c. 8.; 1926, c. 5, s. 2 am.

WOMEN'S MUNICIPAL FRANCHISE ACT. 1917, c. 43; 1922, c. 72, s. 538, (1) (g) am.

WOMEN'S MUNICIPAL QUALIFICATION ACT. 1919, c. 47.

WOMEN'S RURAL SCHOOL BOARD QUALIFICATION. *See* Public Schools Act.

WOODMAN'S LIEN FOR WAGES ACT. R.S.O. 1914, c. 141.

WORKMEN'S COMPENSATION ACT. 1914, c. 25; 1915, c. 24 am.; 1916, c. 31 am.; 1917, c. 34 am.; 1919, c. 34 am.; 1920, c. 43 am.; 1922, c. 56 am.; 1923, c. 31 am.; 1924, c. 41 am.; 1925, c. 43 am.; 1926, c. 42 am.

WORKMEN'S COMPENSATION INSURANCE ACT. 1915, c. 25.

WORKMEN'S COMPENSATION FOR INJURIES. *See* Workmen's Compensation Act.

## Y

YARMOUTH AND BELMONT AGRICULTURAL SOCIETY. *See* Agricultural Societies Act.

YORK, COUNTY OF, HIGHWAY IMPROVEMENT PLAN FOR. 1918, c. 20, s. 69.











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